UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/CONF.157/PC/60/Add.1
1 April 1993

ENGLISH
Original: FRENCH

WORLD CONFERENCE ON HUMAN RIGHTS
Preparatory Committee
Fourth session
Geneva, 19-30 April 1993
Item 5 of the provisional agenda

STATUS OF PREPARATION OF PUBLICATIONS, STUDIES AND DOCUMENTS FOR THE WORLD CONFERENCE

Report of the Secretary-General

Addendum

1. The attention of the Preparatory Committee is drawn to the attached study entitled "Progress and obstacles in the implementation of human rights: review of the period 1945-1992 and suggestions for the future" prepared by Mr. Jean Mayer. The study was commissioned by the Centre for Human Rights pursuant to General Assembly resolutions 45/155 of 18 December 1990 and 46/116 of 17 December 1991.

2. The theme of the study corresponds to the first and second objectives of the World Conference on Human Rights; these two objectives, set out in paragraph 1 (a) and (b) of resolution 45/155, are the following:

> "To review and assess the progress that has been made in the field of human rights since the adoption of the Universal Declaration of Human Rights and to identify obstacles and ways in which they can be overcome to further progress in this area".
>
> "To examine the relation between development and the enjoyment by everyone of economic, social and cultural rights as well as civil and political rights recognizing the importance of creating the conditions whereby everyone may enjoy these rights as set out in the International Covenants on Human Rights".

3. Indicative annotations issued by the secretariat of the World Conference relating to the theme of the following study are to be found in paragraphs 4 to 6 of document A/CONF.157/PC/20.

PROGRESS AND OBSTACLES IN THE IMPLEMENTATION OF HUMAN RIGHTS: REVIEW OF THE PERIOD 1945-1992 AND SUGGESTIONS FOR THE FUTURE

by

Jean Mayer

Note: Unedited text for circulation at the fourth session of the Preparatory Committee. The final edited version will be prepared for the World Conference.

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INTRODUCTION

1. Under its terms of reference, the object of this study is "to review and assess the progress that has been made in the field of human rights since the adoption of the Universal Declaration of Human Rights and to identify obstacles to further progress in this area, and ways in which they can be overcome". Twenty-five years after the International Conference on Human Rights held at Tehran, a unique occasion is thus offered in an exceptional context to take stock of our planet's current situation in terms of the rights we have freely recognized ourselves as possessing, and to pinpoint the efforts that still remain to be made in order that the world may become a fit place for each of its human inhabitants to live in.

2. The study will endeavour, in the light of general trends observed in country situations since the adoption of the Charter in 1948, to present, in analytical and concrete form, a number of assessments and proposals relating to each subject. In the interests of providing as broadly-based as possible an answer to the question as to the factors that influence the ability of States to fulfil their obligations, we shall adopt an interdisciplinary approach, employing economic and social as well as political and administrative parameters and combining legal and historical viewpoints with those of political philosophy, economics, statistics and sociology.

3. On the other hand, the study has had to be conducted in the absence of comprehensive information on international action undertaken since 1948, our assessment of the implementation of international norms being confined to the numerous Member States of the United Nations which have become parties to the 70 or so covenants, conventions and other instruments deriving from the Universal Declaration. In tackling the immense task before it, the Centre for Human Rights has not so far had access to the necessary resources nor been in a position to establish a method of comparative assessment. Lastly, the study will - by definition - refrain from discussing the topics specifically analysed in the five other studies to which the reader is hereby referred, such as the extent to which international standards have been incorporated in internal law or the efficacy of international mechanisms for monitoring the implementation of human rights. Given these limitations, the discussion below can at best offer only a cursory impression of human rights in theory and practice around the globe over a period of nearly half a century.

4. The general plan of the study is as follows. The first part will consist of a general assessment of the progress achieved and obstacles encountered by States Members in fulfilling their obligations in the human rights field from, successively, the conceptual, legal, institutional, sociological, political and economic viewpoints. In the second part, the same method of assessing progress and obstacles will be applied to some of the basic rights in each of the two major categories. First, under the heading of freedoms - in the sense of "freedom from fear and want", as the Universal Declaration majestically terms it - we shall successively consider the right to life, to security of person, and to justice; forced labour, child labour, and freedom of association; the right to food and health; and the right to education and employment. Then, under the heading of equality, we shall consider racial discrimination and apartheid; discrimination against women; and discrimination against minorities and indigenous peoples. In this way we shall have covered

a sample of 25 out of the 45 rights set forth in the Universal Declaration. The reason for this apparently arbitrary selection is the difficulty of assessing the enjoyment of other rights - to a nationality, to freedom of conscience and religion, to own property etc. - other than in reference to the broader trend within every political system towards greater democracy. The third part of the study will include a general summing up and will put forward proposals for future action by organizations, Governments and the public at large in the form of a "solidarity pact".

5. In the interests of greater simplicity we propose to assume that the actual texts of the relevant international elements are known or at least readily available, and shall use no footnotes, the whole of the documentation employed in preparing the study being listed in an annex. Lastly, in conformity with widespread practice, we propose not to name States Members in all cases.

CHAPTER I. GENERAL ASSESSMENTS: PROGRESS AND OBSTACLES

6. First of all it has to be recognized that in the view of a significant sector of public opinion the world today is in an appalling state and the emergence of human rights has done little or nothing to improve it. The man in the street tends to see unemployment, famines, ethnic conflicts and forced migrations as ineluctable evils; assassinations, torture and disappearances do not appeal to his compassion as much as road accidents or genetic diseases; the abuses of dictatorship, the unleashing of racial or ethnic hatreds do less to stir his indignation than environmental damage or the arms race. One of the World Conference's first tasks might be to say loud and clear, and in a convincing manner, that the defining and monitoring of human rights are great successes achieved since the ending of the Second World War and represent an asset that should not be taken for granted. Superficial emotional reactions oscillating between pessimism, weariness and indifference can be corrected by lucid and objective analysis. We must recognize the gains made as well as the undeniable obstacles still to be overcome; we must identify specific means of responding to this challenge and, having done so, we must propose a programme of action capable of mobilizing the energies of the international community. In order to communicate themselves to others, the fervent convictions of champions of human rights must be founded upon a rigorous presentation of the facts and upon irrefutable arguments. That will be our goal in what follows.

A. Conceptual

7. Twenty-five centuries ago, the Ancient Greeks in their wisdom already taught that "law is the determination of the just and the unjust" (Plato). We must, however, admit from the outset that prior to the United Nations Charter of 1945 and the Universal Declaration of Human Rights of 1948 there was no such thing as an international ethic underlying positive law. What the League of Nations had attempted in vain, the young United Nations was to accomplish successfully after three years of preparatory work. Some important national declarations had, of course, existed earlier (without going all the way back to the English Magna Carta of 1215 or the Act of Habeas Corpus of 1679, we may mention the American Declaration of Independence of 1776, the French Declaration of Human Rights of 1789 and Germany's Weimar Constitution of 1919). Everyone recognizes, however, that the Universal Declaration of 1948 was, as one delegate put it, "the greatest common effort undertaken by mankind to provide itself with a new legal and moral code founded upon liberty, fraternity and equality".

8. Several convergent developments of a major kind were the preconditions for the birth and the ever-widening acceptance of the principles of the Charter signed at San Francisco on 26 June 1945 and the Universal Declaration adopted at Paris on 10 December 1948. First of all, the delegates to the Conference of 1948 were almost unanimous - the text was adopted by 48 votes to none, with 8 abstentions - in the awareness that they had a duty to put an end to the massacres which in the course of two world wars had caused more than 60 million military and civilian deaths in dozens of countries, and to prevent the recurrence of the Nazi genocide. In the awareness, too, that the Universal Declaration represented - in the words of one of its chief artisans, the Frenchman René Cassin - "the first and necessary achievement of the human rights crusade which has brought mankind to its feet in protest against

abominable doctrines". (The unanimous adoption, on the eve of that vote, of the Convention of the Prevention and Punishment of the Crime of Genocide was a significant expression of the same state of mind.)

9. Next, a few years later, came the manifestation of the colonial peoples' will to apply a literal reading to the principles of the Charter (Art. 1.2) concerning equal rights and the self-determination of peoples. In this context it is of course pertinent to point out that the Bandung Conference, attended in 1955 by 24 countries including 16 former colonies which had achieved independence, adopted "respect of human rights in conformity with the purposes and principles of the Charter" as the first of its 10 principles of coexistence. Carried along by this irresistible tide, some 87 peoples were to cast off the bonds of (principally) British, French, Belgian and Portuguese colonial rule in the years 1957-1980 and to accede to independence, generally as a result of peaceful negotiations except in five countries (Algeria, Angola, Guinea-Bissau, Mozambique and Viet Nam) where wars of liberation continued to rage for 10 years or more.

10. There are also more recent events, such as the fall of authoritarian regimes, especially in Latin America and Central Europe, that must be regarded as decisive for the advent of political democracy. The consensus of the 48 States which adopted the Universal Declaration in 1948 has thus been reinforced by the aforementioned two groups of Members of the United Nations proceeding from different ideological and political positions, the first resulting from decolonization and the second from the return to democracy. In terms of subscribing to the new international human rights ethic, the States which participated in the Paris Conference, many of them politically mature and economically developed, have been joined by almost twice their number of young nations, often with fragile or rudimentary structures. In a world fully engaged in the process of historical and geopolitical recomposition, every Member State now finds itself by virtue of its membership in the Organization on an equal footing with regard to the freely undertaken obligation to respect the new rules of international morality. (As of 1 January 1993 the United Nations had 180 Member States, 21 of which had been admitted since 1 January 1991.)

11. While such consensus constitutes undeniable progress in itself, the text of the Universal Declaration brought other advances as well. Its 30 articles, couched in magnificent language, inject an innovative element into the relationship between States and their citizens: human rights, which are exclusive to mankind, are rights of the human individual and take precedence over the prerogatives of State power, the function of which is to guarantee the freedoms of individuals and to provide for their essential needs - in other words, to preserve the human person. Here we have the other original element introduced, in the wake of the Charter, by the Universal Declaration: the responsibility placed upon peoples and nations to take "progressive measures, national and international" to guarantee the enjoyment of all human rights. Just as the will of citizens to stay together is a prerequisite for the existence of a State, so a central authority democratically delegated to meet the fundamental freedoms and needs of citizens, without oppression as to the former or deficiency as to the latter, was henceforth to be a prerequisite for the enjoyment of human rights. Thus the dilemma is not

whether there should be more State power or less: the only question is that of the ability of the legislative, executive and judicial authorities of the State to shoulder the responsibilities devolving upon them.

12. Human rights, attaching as they do to the person but being linked to State power, thus become interdependent and indivisible. No right can have priority over another. The fact that the Declaration places civil and political rights - often described as first-generation human rights because they date back to the Enlightenment - on the same footing as economic and social rights which, for their part, have their origins in the history of the nineteenth century, thus establishing a balance between personal prerogatives and existential needs, likewise constitutes progress in itself. Experience has shown again and again, however, that the guaranteeing of all human rights at the same level entails heavy internal economic costs in terms of production and social investment, administration, justice, public health, etc., for the State responsible for their implementation. As will be seen, many States fail to shoulder, or even to envisage shouldering the totality of such costs.

13. Lastly, we come to another innovation introduced by the States gathered at San Francisco in 1945 and in Paris in 1948: the international character of human rights obligations. Both the Charter (Arts 1.3 and 55) and the Declaration (Preamble) mention the need for international cooperation. The international "progressive measures" referred to in the latter may, on the one hand, consist in reducing the external economic costs that make the cost of implementing human rights more onerous, especially to developing countries: external debt burden, unfavourable trade terms, technological disparities, domination of transnational corporations, growing protectionism, etc. On the other hand, the texts can be interpreted to mean that the maintenance of peace and international security, the Organization's main allotted purpose, prevails over the prohibition upon intervening in the internal affairs of States, intervention in order to prevent or redress gross violations being henceforth justifiable. As President Museveni of Uganda stated in 1986: "Within 20 years, 750,000 Ugandans perished through the fault of Governments which should have protected them. The failure to condemn the massacres was no doubt due to the wish of other States to refrain from intervening in Uganda's internal affairs, in conformity with the Charters of the OAU and the United Nations. But we do not accept such reasoning because the same organizations expressly recognize the sacredness and inviolability of life." The duty to cooperate and the duty to intervene: those are the two conceptual contributions, laden with prospects of concrete action in the future, of the international ethics of our much maligned half-century.

14. These remarkable conceptual advances have been - and still are - hampered by a number of obstacles. (a) The disarray and silence of philosophical and political thought on the subject of human rights are reflected in catch-phrases such as "the end of history" and "the death of ideologies". At the same time, ideas lacking all moral or scientific foundation, resurgences of deadly doctrines advocating racism and exclusion, are today being bandied about more or less openly. These two trends - one "soft", the other "hard" - are promoting or allowing the development of individualistic and intolerant forms of behaviour which lead to the persecution of minorities, the marginalization of misfits of all kinds, restrictions upon the right of asylum, prejudice in favour of the death penalty and generally speaking to a

kind of individual isolationism. (b) At the national level, such attitudes lead to isolationism of the State endorsed by the State authorities and the privileged classes which support them, the dissolution of federal ties between regions, ethnic groups and minorities, and outbursts of hatred and intolerance. Individual intolerance spreads to the highest reaches of society, which adopt an authoritarianism that will not brook any challenge, rejecting such ideas as shared sovereignty or multilateralism. Individuals or groups not favoured by the authorities then try to compensate for the non-satisfaction of their rights and needs under the existing system - a situation to which they can see no solution - by resorting to acts of private violence.

15. In terms of the international character of human rights standards, the obstacles encountered are twofold: (a) the need for continued cooperation with developing countries is being opposed to an increasing extent and with varying degrees of openness. A sense of weariness, frustration or plain scepticism in face of the alleged uselessness of efforts already made is then expressed and relayed by politicians. This, no doubt, is what explains the relative reduction in official development aid by the Development Assistance Committee (DAC) of the OECD, which in 1989 fell from 0.36 per cent of the 18 contributing countries' GNP to 0.33 per cent, the former figure already being far below the initial target of 1 per cent, subsequently reduced to 0.70 per cent. (b) The right to intervene, which we have justified and illustrated in paragraph 13 above, is still sometimes flatly denied to defenders of human rights in the exercise of their tasks of investigation and monitoring.

B. Legal

16. It is, of course, in the legal field that the most spectacular advances wrought by the basic texts of 1945 and 1948 are to be observed. The first, decisive achievement, credit for which is due to the United Nations, is the very existence of a codification that has rightly been described as unprecedented in history: before it, there were neither obligations on a world scale (except for humanitarian law, initiated by the ICRC in 1864, the Slavery Convention of 1926 adopted by the League of Nations and the ILO Forced Labour Convention of 1930), nor devolution of sovereignty, nor any possibility of individual recourse. The adoption in 1966 of the two International Covenants, one on economic, social and cultural rights, the other - adopted unanimously - on civil and political rights, both instruments entering into force in 1976, set off the mechanism which, through ratification, endowed their provisions with the necessary executory force. As well as spelling out certain terms of the Declaration, each Covenant also provided a reference framework for instruments of a more specific kind. Another step forward was the Optional Protocol on Civil and Political Rights, which opened the way to complaints being brought by individual victims of violations - by their own States - of rights set forth in the Covenant. Upon these four instruments which constitute, as it were, the trunk of the International Bill of Human Rights, have gradually sprouted branches and sprigs in the form of more than 50 other texts: 18 conventions and protocols also open to ratification, as well as 36 resolutions, declarations, principles, codes of conduct and sets of minimum rules for which ratification is not required. In addition, grafted, as it were, upon the common trunk, there are conventions and declarations with

a bearing on human rights by international organizations within the United Nations system. The influence which the Universal Declaration has exerted on the regional human rights conventions adopted by Europe in 1950, the Americas in 1969 and Africa in 1981 should be seen as yet another positive effect of codification.

17. A second sign of progress of a legal nature is the significant number of ratifications of the Covenants and Conventions. The Covenants, ratified by 118 and 115 States respectively, have enjoyed only slightly less success than the Conventions, the number of whose ratifications totals several hundred if we add the ILO and UNESCO instruments to those of the United Nations. The fact that some 65 per cent of the three organizations' Member States have freely contracted obligations under these instruments, a considerable number among them choosing not to denounce those obligations upon acceding to independence, demonstrates that a clear majority of countries have been won over to the human rights culture and that a new stage has been reached in their implementation.

18. One must, however, look beyond the numbers. Some States ratify agreements as a simple diplomatic gesture, to make a good impression, without making any irksome domestic changes. There has, on the other hand, been a third advance, which is consequent upon the two preceding ones and has been described as revolutionary, consisting in the fact that human rights standards have now acquired obligatory status. The Declaration of 1948 has more than kept its promises in that respect. The year 1789 had seen the proclamation of the generous utopia of a revolutionary message; in 1948, Eleanor Roosevelt, President of the Paris Conference, had stressed the non-obligatory character of the Universal Declaration. But the entry into force of the Covenants less than 30 years later considerably shortened the time required for the ethic to become law. (By way of comparison, let us recall that the French Declaration of Human Rights had to wait until 1946 to become incorporated in French positive law.) However, the binding character of the ratified standards requires some qualification: whereas the obligation to guarantee civil and political rights is absolute and immediate, that relating to the enjoyment of economic, social and cultural rights is "promotional" in the sense that results in those fields are not expected to proceed from the mere fact of ratification of the relevant standards but must be achieved by means of a continuous and gradual programme of action.

19. A fourth success may be seen in the number of Member States which, since the Declaration, have not only brought their domestic legislation into line with it but have incorporated human rights into their constitutions, thus conferring upon the international standards a value greater than that of ordinary law. Of the 180 present States Members of the United Nations, only 22 do not - or do not yet - have a constitution, the most striking case being that of the United Kingdom with its age-old tradition of an "unwritten constitution" founded in parliamentary legislation, court decisions and the operating practice of State authorities. Almost all the remaining 157 States, 148 to be precise, have promulgated or amended their constitutions since the adoption of the Universal Declaration of 1948, 25 referring to it expressly in the preamble to their basic law. It is even more instructive to examine these 157 constitutions in terms of the 25 articles or paragraphs of the Declaration we have selected among the full set of rights it proclaims. This reveals that

human rights are represented in the constitutions in impressive proportions: 83 per cent as regards the three civil freedoms (life, security of person and justice) and the same percentage as regards the three rights to equality (race, sex, minorities), as against only 38 per cent in the case of the group of seven economic and social freedoms (forced labour, child labour, freedom of association and the rights to food, health, education and employment). The difference can no doubt be explained by the reluctance of many constitution-makers to accord the same status to these economic and social rights, most of which have a "promotional" character, as to civil and political rights.

20. A fifth achievement consists in the fact that under the Optional Protocol of 1966 some of the competence of States Parties to the Protocol now devolves upon the Human Rights Committee. This means in practice that since the Optional Protocol's entry into force in 1976 an individual from a State Party who claims to be the victim of violations of his or her civil or political rights by that State has been able to bring a complaint before the Committee. The same applies under the procedures for the consideration of communications from individuals or groups set up by the 1982 International Convention on the Elimination of All Forms of Racial Discrimination and the 1988 Convention against Torture. The procedures for bringing direct complaints before the Commission on Human Rights instituted under ECOSOC resolutions 1235 (XLII) of 1967 and 1503 (XLVIII) of 1970 place a still greater limitation upon State sovereignty until then considered to be absolute, demonstrating yet again the possibility of exercising the right to intervene in the event of flagrant breaches of human rights. For the first time, individuals around the world have become subjects in international law.

21. The sixth and last positive contribution of international standards relates to their universality. The right to life and to judiciary guarantees, freedom of conscience, non-discrimination and all the other fundamental freedoms cannot be subject to half-measures simply because customs differ from one country or one regime to another. A certain ethnocentrism, whether explicit or latent, has given rise to doubts as to the ability of States at different levels of development or with different cultures to implement international human rights standards which allegedly correspond to conditions in politically and economically more advanced parts of the world that are culturally better equipped to cope with the dynamics of change. The answer to this objection is that, as experience has shown, the regionalization of the standards set forth in the Universal Declaration - as reflected in the American Declaration of 1948, the European Convention of 1950, the American Convention of 1969 and the African Charter of 1981 - has not resulted in fragmenting the rights but, on the contrary, in homogenizing them, thereby strengthening their universality. Furthermore, it is obvious that no State, however advanced, can claim to be completely exemplary - "no State of law is perfect" - and that the implementation of human rights and freedoms calls for constant efforts on the part of States to replace confrontation and the spirit of dominance with cooperation and exchange of experience. The emphasis placed by the African Commission on Human and Peoples' Rights on local traditions of mediation and conciliation rather than on contentious procedures as means of settling conflicts may, however, be viewed as an entirely valid expression of cultural differences.

22. Against this series of advances must be set the following legal obstacles: (a) absence of universal ratification of instruments, especially of the Covenants, that would make them binding upon the State Party; (b) potential weakening of the effect of ratification by reservations entered by States parties; (c) ratification of the Optional Protocol to the International Covenant on Civil and Political Rights by an insufficient member of States, which renders inadmissible any individual communication concerning a State not party to the Protocol. As the number of ratifications of the Protocol (60) is less than that of ratifications of the Covenant (115), the possibilities of individual recourse are correspondingly diminished. The same problem arises in connection with the International Convention on the Elimination of All Forms of Racial Discrimination, under which an individual communication may be received only if the State against which the complaint is brought is a Party to the Convention, which has been ratified by 132 States, and has accepted the optional complaints procedure (art. 14.1), which only 14 States have done. Likewise, the procedure instituted under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (ratified by 64 States) has been accepted as regards the competence of the Committee against Torture (art. 22.1) by only 28 States. In all three cases the individual complainant must, moreover, have unsuccessfully invoked and exhausted all domestic remedies. It will be agreed that such a series of conditions seriously limits the possibility of claims being brought by victims of human rights violations; (d) civil and political rights are monitored more closely, through investigations of violations such as torture, discrimination or oppression, and capture the attention of the international public more readily than economic and social ones such as the rights to food, health, education, employment and housing.

23. While each of the human rights set forth in the Universal Declaration is and remains inalienable, new protection requirements do arise in the course of time, making it necessary to expand the arsenal of international human rights standards. Today, although proposals have been received from a number of delegations on the Preparatory Committee, there exist no means of ensuring the implementation of the following rights: the right to a safe environment; prevention of discrimination on grounds of age; protection of refugees; recognition of genocide as a ground for self-determination; abolition of capital punishment; placing serious human rights violations on the same footing as crimes against humanity, thus removing them from the scope of the Statute of Limitations; adequate compensation, having a deterrent effect upon the perpetrators, for victims of torture; recognition of poverty as a violation of human rights; etc. Pending the relevant conventions, which ought to be open for ratification, the human rights activist is confronted with a legal vacuum in each of the above areas.

C. Institutional

24. Having identified the progress made in terms of concepts and of their translation into law, let us now consider what must also be seen as a positive development that was far from self-evident in 1945: the institutional organs, both international and national, empowered directly or indirectly to implement human rights. Before all else we must give honour where honour is due by underscoring the originality of the very existence of international mechanisms for the protection of human rights.

25. Within the United Nations, the number of organs that must be mentioned - either already existing in 1948 whose sphere of competence was expanded following the adoption of the Universal Declaration, or expressly established pursuant to various new instruments - is considerable. The first group includes the Commission on Human Rights and the Commission on the Status of Women, both set up in 1946, as well as the Sub-Commission on Prevention of Discrimination and Protection of Minorities, established in 1947, while the second includes the Committee on the Elimination of Racial Discrimination (1970), the Human Rights Committee (1977), the Committee on the Elimination of Discrimination Against Women (1982), the Committee on Economic, Social and Cultural Rights (1985), the Committee against Torture (1988) and the Committee on the Rights of the Child (1991). Another noteworthy development has been the appointment of special rapporteurs. Shortage of space precludes more than a passing reference to the peace-keeping activities of the Security Council, the work of the International Court of Justice, and United Nations electoral assistance operations. The institutionalization in progress since 1948 has lit a series of crucial beacons and provided vital refuge for those suffering from human rights violations.

26. Various well-tested mechanisms for monitoring compliance with the standards also exist within the specialized agencies of the United Nations system. ILO, the oldest among them, many of whose 173 conventions adopted since 1919 have a bearing on human rights, has three such organs. A Committee of Experts composed of 20 independent members has had the responsibility, since 1927, of reviewing the progress achieved and difficulties encountered in implementation and submitting comments of its own on the basis, inter alia, of requests for information addressed directly to the country charged with violating a standard. Since 1937, a tripartite Committee (Governments, employers, workers) of the International Labour Conference has considered the report of the Committee of Experts and stated its own opinions concerning the application of standards. Lastly, a Committee - likewise tripartite - on Freedom of Association set up within the Governing Body of ILO in 1950 considers complaints from Governments as well as from trade unions and employers' organizations concerning that aspect of human rights. UNESCO, for its part, adopted a protocol in 1968 instituting a Commission of Conciliation and Good Offices to seek the settlement of any dispute that might arise between States in the implementation of the Convention against Discrimination in Education.

27. A further group of international mechanisms may be found in the indirect contributions towards the implementation of human rights made by United Nations agencies concerned with economic and social development. By taking specific action to promote the economic, social and cultural rights set forth in the Universal Declaration, five such agencies (ILO and UNESCO, already mentioned, as well as FAO, WHO and UNICEF), all established prior to 1948, have placed themselves at the service of the international community by making available their experience in technical cooperation. In this connection mention should also be made of the important events constituted by the setting up within the United Nations of the United Nations Development Programme (UNDP) resulting from the merger in 1965 of the Expanded Programme of Technical Assistance (1950) and the Special Fund (1959) and by the establishment in 1946 of the World Bank, one of whose purposes is to finance economic development projects through loans to its less developed members.

The activities of the main United Nations agencies under their respective mandates will be discussed in detail in chapter II; their initiatives include the setting up by UNESCO of two ad hoc committees - on education and culture respectively - in the context of development, and the joint FAO/WHO Conference on Nutrition. Meanwhile, the Interparliamentary Union has been discussing the role of Parliaments as guardians of human rights.

28. Lastly, it is useful to recall the existence of a no less extensive range of national human rights organs whose potential for monitoring the implementation of civil and political rights and promoting economic, social and cultural rights is considerable. A report of the Secretary-General to the Commission on Human Rights gives the numbers of national organs per country as follows, there being, in some cases, several organs in the same country: (a) legislative organs established to examine the constitutionality of laws (Parliament, legislative commission, etc.): 20 countries; (b) judicial organs of general jurisdiction (State Council, Supreme Court) and constitutional courts: 36 countries; (c) public agencies and human rights commissions: 25 countries; (d) agencies for the protection of minorities: 21 countries; (e) agencies for the protection of indigenous peoples: 5 countries; (f) agencies for the protection of migrants and aliens: 6 countries; (g) agencies for the protection of children and minors: 17 countries; (h) equal employment organizations: 12 countries; (i) information agencies: 13 countries; (j) educational centres on human rights: 13 countries. Furthermore, (k) the institution of the ombudsman, whose role it is to protect citizens from abuses by the administration, exists in 40 countries (the initiative of the Tanzanian ombudsman commission, which regularly visits country districts to inform citizens of their rights, is exemplary in this respect). According to the Interparliamentary Union, commissions and formal or informal groups of parliamentarians interested in human rights exist in 79 national Parliaments and 19 international parliamentary institutions, including the Union itself. This list, which may appear excessively detailed, brings home the interest in human rights shown by representatives of the legislative, executive and judicial authorities in a considerable number of States Members of the United Nations: dozens of countries, both industrialized and developing, possess at least one - and sometimes several - of the 12 types of protection organs briefly listed above.

29. Without prejudice to the assessments made in studies Nos. 3, 4 and 5, we may briefly draw attention to a few shortcomings in the operation of various institutions: late submission of reports, limitations on individual communications, successions of lengthy proceedings, absence of sanctions under penal law or compensation under civil law, absence of an early warning and rapid intervention system, etc. The functions of prevention, mediation and inspection should undoubtedly be developed and set in motion by the monitoring organs.

D. Social

30. The broad consensus that exists, as we have shown, among Member States regarding the codification, adoption, ratification and monitoring of human rights standards could not have formed and developed in a social void. It would surely not have been possible without major advances, from the sociological point of view, in the mentalities of ordinary citizens. Whereas

adherence to and implementation of human rights principles are principally incumbent upon the State authorities, the ordinary citizen's role in ensuring their success is by no means negligible. The policies of the rulers and the opinions of the ruled, the practices of the former and the demands of the latter greatly influence one another. They do so at three different levels: that of public opinion in general, that of the media, and that of non-governmental human rights organizations. Under the pressure of public opinion, the State authorities have generally reacted - either, if they were sincere, by realistically acknowledging the limits of their power, or, if less so, by employing poor excuses to defend themselves against criticism. Whatever their attitude, they have in most cases been constrained to accept discussion if not confrontation with the citizens. The meeting-grounds thus established have served to bring together not only the authorities and citizens of the same State but also, increasingly, those of different countries from all over the world.

31. So far as public opinion is concerned, it seems clear that this has been the prime factor in bringing the community of States round to recognizing human rights. Looking back upon history we see that since the far-off days of the Jacobin clubs and the Carbonari, through the social movements of the nineteenth century and until the emergence of Marshall McLuhan's "global village", the citizens of each of the countries concerned have gradually come to realize the unequal position of human individuals as subjects of law. Of course the set of problems raised by human rights is vast and complex and the relationship between authority and the individual is double-edged: on the one hand, the guaranteeing of civil and political rights presupposes neutrality on the part of the authorities (except to punish violations of those rights), but, on the other hand, public intervention is necessary for the realization of economic and social rights, which are existential functions. Hence the inevitable tensions between State authority - neutral protector of certain rights and active organizer of certain others - and the individual, jealous of his or her autonomy yet claiming the means to live in freedom from want. This two-way traffic between the State and its citizens, created by the desire for individual freedoms and the demand for the satisfaction of individual needs, has undoubtedly constituted a fruitful basis for progress.

32. Thanks to the media, it is today practically impossible for a morally or politically reprehensible event to occur without being immediately detected and reported all over the planet. This "cathodic explosion" has been such as to make some professionals in the field of information wonder whether a real drift might not be taking place towards the manipulation of opinion - a development that would do harm to the cause to be defended as well as to the point of view to be illustrated by facts, even if true. On the whole, however, this risk is marginal when set against the positive effects of the knowledge thus imparted to the public. In this field, the old legal adage that "publicity is the protection of the people" will always remain the best justification for knowing and making known. A tribute is due in this connection to the supporting role played by the Centre for Human Rights in the information field, the third pillar - besides legislation and monitoring - of its strategy. To the individual's right to know corresponds the professional's duty to inform, a duty for which media people are paying a

heavy price: according to the International Organization of Journalists, 155 of their number were killed, 22 abducted and 755 imprisoned during the period 1986-1989.

33. Finally, the most recent and most spectacular success consists in the great number of non-governmental organizations for the protection of human rights. Their active members are irreplaceable in alerting public opinion, cooperating with the media, exerting pressure on Governments and assisting the United Nations own monitoring bodies, which receive as much as 90 per cent of their information from such sources. Their activities, performed with untiring devotion, have often produced spectacular results: if we take just one example, that of Amnesty International, we observe that since the movement was founded, its 1 million members in 150 countries have taken up more than 43,000 cases of prisoners for adoption or investigation and have succeeded in closing 39,000 of those cases. But or course it is to all the NGOs that tribute is due. Several dozen NGOs, each covering a specific area of the human rights set forth in the Universal Declaration, are actively participating in the work of the monitoring organs as well as in sessions of the Preparatory Committee for the World Conference. It was to them that a former Prime Minister of France, Michel Rocard, addressed the following tribute before the Commission of Human Rights: "Who is the first to investigate? Who alerts public opinion? When States are silent, the NGOs speak out. When Governments are powerless, the NGOs act, untrammelled by considerations of reason of State: then the oppressor hesitates, the oppressed resist, and the outcasts of society regain hope." But in accomplishing their mission these defenders sometimes risk provoking the oppressor's ire: 116 of these courageous volunteers were killed or arrested or disappeared in various parts of the world in 1988-1989 alone. There are four further points to the NGOs' credit, namely: (a) their growing importance in countries where violations are taking place, a fact that underscores the universality of human rights and the courage of NGO activists; (b) the important place held in them by women, in particular women who are or have been direct or indirect victims of human rights violations - from the Argentinian mothers of the Plaza de Mayo to Aung San Sun Kyi, leader of the political opposition in Myanmar; (c) the support given to NGOs, as well as to their own followers, by the leaders of practically all religions and opinions, both in defending civil and political rights and in promoting economic, social and cultural ones: as the All Africa Conference of Churches (AACC) has phrased it, freedom and democracy cost less than repression; and (d) the lustre added to the reputation of NGOs by the Nobel Peace Prize jury, which honoured Amnesty International in 1977 and International Physicians for the Prevention of Nuclear War in 1985, UNHCR in 1954 and 1981, UNICEF in 1965 and ILO in 1969, beside eminent personalities including René Cassin (1969), Martin Luther King (1964), Norman Borlang, inventor of the Green Revolution (see para. 43) (1970), Sean McBride, co-founder of Amnesty International (1974), Andrei Sakharov (1975), Bishop Desmond Tutu (1984), Aung San Sun Kyi, already mentioned (1991), and Rigoberta Menchu, defender of the Guatemalan Indians (1992).

E. Political

34. A glance at developments during the past half-century reveals substantial progress in three areas: international security, the right of peoples to self-determination, and a return to the rule of law. Each of these advances has been achieved in exemplary fashion as a result of the full application of the relevant provisions of the Universal Declaration of Human Rights. Moreover, these gains, achieved on the basis of respect of the fundamental rights in question, have themselves served as the seeds from which other rights have sprung. Peace, independence and attention to the will of the people always foster the expansion of rights, freedoms and guarantees in general.

35. The first of these advances is related to the re-establishment of peace (Art. 1, para. 1, of the Charter of the United Nations). Here it should be noted that between the first and second half-centuries the number of international wars diminished (38 conflicts of this type were recorded between 1900 and 1949, 25 between 1949 and 1989) and, still more important, that the number of military and civilian deaths fell by 90 per cent. It is estimated that more than half these losses can be attributed to the wars which preceded, and in some cases followed, decolonization in Africa and Asia. With this one notable exception, the decline in armed conflicts between States can be viewed as an achievement of international law and multilateral and bilateral diplomacy in keeping with the first aim of the Charter.

36. The second advance, as already stated in paragraph 9, is related to the massive character of the independence movements which, in conformity with the principles set forth in the same Article of the Charter (Art. 1, para. 2), enabled 87 peoples to free themselves from foreign domination and thus to recover their dignity and acquire the sovereign equality of all Members of the Organization. Between 1945 and 1990 such movements took place among 48 African peoples, 20 peoples of Asia and the Pacific region, 13 peoples of the Americas, 3 Middle Eastern peoples and 3 European peoples; 7 of the above, of which 6 were African peoples, had been under United Nations trusteeship until their accession to independence.

37. The third advance consists in the establishment of democracy upon accession to independence or its restoration following the fall of totalitarian regimes which had previously held sway in many parts of the world. "The will of the people shall be the basis of the authority of government": this principle of the Universal Declaration (art. 21, para. 3), although not yet applied everywhere, is nevertheless subscribed to by many national leaders. Thus, the President of Benin, addressing the Francophone Summit of Heads of State and Government in 1991, called upon that assembly to proclaim "clearly, by a collective declaration, its concrete commitment to the goal of a State of law for all by the year 2000". Similarly, 50 Heads of Government of countries of the Commonwealth gathered at Harare the same year expressed their will to reaffirm "democracy, accountable administration and the rule of law". The improved democratic environment in a large number of countries can be seen in the introduction of a multiparty system, the progress of parliamentarism and the holding of elections by universal and equal suffrage (art. 21, para. 3, of the Universal Declaration). Opposition parties in almost half (60) of the 148 countries in which parliamentary elections were

held during the period 1965-1980 could not participate legally in the elections. In 1992 alone, on the other hand, presidential or parliamentary elections or constitutional referendums were scheduled to be held in 24 African countries, preceded by a short head by several countries of Latin America and Europe, each evolving in accordance with its national character and at its own rate. The figure of 164 national Parliaments existing as at the end of April 1992 in sovereign States of which 145 (or 88 per cent) have a system based on elections by universal suffrage to at least one legislative Chamber should be set against that of 180 States which were Members of the United Nations on 1 January 1993. In a still broader sense, undeniable signs of a democratic revival may be seen in numerous countries in the form of a stricter observance of the separation of powers, the holding of national conferences in which the opposition is henceforth being invited to participate, the return home of political exiles, greater freedom of expression, opinion and belief and improved enjoyment of the freedom of association and of the right to form enterprises and trade unions, the right of assembly, etc., not to mention the election of former political prisoners and/or exiles as Heads of State in countries newly returned to democracy (five such personalities were in office in Africa and Europe in 1992). And the fact that a scientist of international repute who, on the basis of the Helsinki Agreements, demands the release of political prisoners in his country and serves 10 years in the camps for that misdeed, is then adopted by Amnesty International as a prisoner of opinion and, upon his release, is elected to Parliament in free elections and proceeds to lead his Government's delegation to the Commission on Human Rights must surely be seen as an expression, among many others, of the individual and collective will to fight for freedom and dignity and, at the same time, as a clear sign of renewed confidence in political democracy linked to human rights.

38. This string of political victories has unfortunately been put in serious jeopardy in many countries by the obstacles encountered, most prominent among them being internal conflicts in which human rights are openly violated. True, wars between States are less murderous nowadays than they used to be, but civil wars are more so: since 1949, they have claimed 11.8 million lives, as opposed to 4.3 million between 1900 and 1949. Civil conflicts have had a variety of causes and have taken many forms, which we shall attempt to classify as follows: (a) conflicts initiated by the armed wing of political parties or revolutionary movements; conflicts between ethnic groups and/or religious communities or armed opposition movements in the wake of inter-State conflicts and/or national liberation struggles; (b) repression by the legal authorities of political opposition, popular opposition or trade union opposition, secessionist movements and demands for regional autonomy, repression of ethnic minorities, linguistic minorities or religious minorities, racial repression, and toleration of paramilitary groups, death squadrons and extrajudiciary operations; (c) rivalries between political groups, "self-defence" on the part of landowners confronted with peasants' demands; (d) obstruction of the democratic process by the powers that be; (e) rejection of migrant workers. A total of 40 per cent of States Members of the United Nations routinely commit or permit collective violations of civil and political rights in internal conflicts currently taking place.

39. All the conflicts listed in this dismal catalogue of contemporary forms of civil terror have one feature in common: none of the parties involved,

including the legal forces of repression, generally consider themselves bound to respect internal law and the constitutional guarantees of the State or even, sometimes, international humanitarian law (Hague Convention of 1899 and Geneva Conventions of 1949). Paradoxically, the worst violations of human rights of a civil and political character thus appear to both parties to be justified in advance: to the insurgents, by the right to freedom and in some cases to self-determination, as well as by the denial of all other rights, and to the legal authorities by the maintenance of internal security which, in the case of some States, has supplemented the original requirement of external defence.

40. One matter that has recently provoked serious controversy in Latin America, Africa and Eastern Europe is the appropriateness of amnesty laws whereby political leaders legally returned to power undertake not to prosecute the perpetrators - public or private - of crimes committed under the previous authoritarian regime. There are two, opposing, currents of opinion. One holds that amnesty leads to the legalization of impunity and the destabilization of an already traumatized society while, as the International Federation of Human Rights has pointed out, the international community is entitled to remember what has taken place and, indeed, needs to in order to build the future. The other school of thought emphasizes the urgent need for social cohesion and national reconciliation.

F. Economic

41. In the field of economic and social rights, whose realization must necessarily take place within the complex framework of the macro-economic factors involved, pinpointing the strengths and weaknesses of the developments which have taken place over the past decades is more difficult than in the area of civil and political rights. The realization of economic and social rights is, of course, largely dependent upon the capacity of the countries concerned and upon international cooperation in accordance with the organization and resources of each State (art. 22 of the Universal Declaration).

42. So far as resources are concerned, grounds for satisfaction are not lacking. It is from the angle of natural resources, of which States may freely dispose under article 1, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights, that the economic potential in the hands of many newly independent peoples can best be measured. Forty per cent of the 25 main minerals and metals extracted worldwide are produced in 61 semi-industrialized or non-industrialized countries. However, two thirds of those countries produce only one or two of these minerals or metals, only four (Mexico, Brazil, South Africa and China) having a range of 12 to 18 products. Moreover, the high foreign-capital intensity of such countries' mining activities means that profits are in most cases repatriated rather than reinvested in the country of production.

43. What of the utilization of ground, sea and forest resources and their processing by local industries? The answer varies depending on the structure and mode of production. While the output of the 10 main tropical products in the Third World has trebled since 1950, exports of those products have slowed down owing to saturation of demand in the developed world and have actually

diminished in the case of cotton, oleaginous plants and sugar because of the Northern countries' higher productivity in the competitive production of these goods. As for food-producing agriculture, it has doubled in volume, thus eliminating the risk of famine in all parts of the world except Africa, whose food deficit has been enormously increased by inflationary population growth. Some partial successes can nevertheless be noted. Although the Green Revolution, with its emphasis on highly productive varieties of wheat and rice, has not been successful all along the line as a means of checking soil erosion, it has averted the further deterioration of the cereals supply. Savings and credit association in the field, created at the initiative of the peasants themselves, have achieved what the financial institutions of several countries of sub-Saharan Africa and South-East Asia, more particularly Burkina Faso and Bangladesh, were unable to do. In an unprecedented general context of regression of tropical forests and degradation of the plant cover, certain countries, such as Cape Verde, have successfully accomplished their forest extension programmes despite unfavourable ground configuration and climate. In the fisheries area, fishing and processing activities have developed satisfactorily, even if the Third World still accounts for only a quarter of the world market although the maritime area attributed to it by international conventions is five times more extensive than that of the industrialized countries.

44. With the exception of a small number of Latin American and Asian countries, there was little industrialization in the Third World before 1950. Since then, industrialization has taken off to a considerable extent, developing at first at a more rapid rate than the developed countries' in the nineteenth century. Owing to the smallness of domestic markets and to the international division of labour largely controlled by countries of the North, that original rate of development has fallen by one-half. Some newly industrialized countries whose dynamism is undeniable have nevertheless emerged despite these setbacks: Brazil and Mexico in Latin America, Nigeria in Africa, India and Indonesia in Asia. As for the four Asian "dragons" (Hong Kong, Korea, Singapore and Taiwan), their economic boom remains exceptional and could not be replicated on a wider scale for reasons pertaining to their structure and to the absorption capacity of the developed world's markets.

45. All in all, the economic growth of developing countries between 1950 and 1990 has varied from one part of the world to another, stagnating or regressing in Latin America and even more in Africa and progressing, albeit slowly, in Asia (but apparently more rapidly in China). As between separate countries, the considerable existing disparities have been further accentuated, the 43 lowest-income countries with a per capita GNP of less than $600 in 1990 lagging still further behind the least disadvantaged and especially the petrol-exporting groups. Only five countries - Cameroon, Congo, Korea, Thailand and Yemen - have succeeded in breaking away from the lowest-income group (per capita GNP of less than $170 in 1967) over the past 25 years.

46. Turning finally to the developed countries, we have to note that the beginning of their "success story" was more auspicious than its continuation. At first, swept along on the tide of post-war reconstruction and massively assisted by the Marshall Plan (12 billion dollars between 1948 and 1955, or

the annual equivalent of the United States' GNP), the countries of Western Europe enjoyed extraordinary prosperity for the "30 glorious years" of powerful economic growth and zero unemployment during which their incomes doubled at a still more rapid rate than that of North America. As for Eastern Europe, which had rejected Marshall Aid, it was advancing at a similar pace although starting lower down the scale. In the period which followed, progress was disturbed by petrol crises in the West and by political dismemberment in the East. Today the two former opposing blocs in Europe find themselves in an identical situation, albeit at very different levels: as they await a hypothetical recovery, they must carry through a drastic industrial reconversion and agricultural readjustment, looking powerlessly on while unemployment figures rise and poverty spreads ever wider.

47. To sum up, economic progress has been slender, the successes being neither worldwide nor continuous. Consequently, as will be seen from the analysis in the second part of this study, States almost everywhere have lacked the effective capacity supported by adequate financial resources to advance towards the realization of the human rights to food, health, education and employment.

48. In the economic field, the obstacles connected with development are considerable. Insufficient growth, exploding population figures, deteriorating trade terms and the debt burden all stand in the way of the promotion of economic and social rights. Obstacles of a less macro-economic nature which seriously hamper the implementation of these rights can also be traced to the conduct of a sector or class of economic agents. Attitudes contrary to a democratic development process and to the equitable satisfaction of needs include, for example, the following: the flight of capital; the creation of an ostentatious consumption model which encourages frustration, crime and the destruction of the social fabric; refusal to accept agrarian reform of any kind on the part of large landowners; the marginalization of the non-structured sector; rejection of any form of planning by the decision makers, a tendency on their part to respond exclusively to stock exchange and market stimuli; collusion between politics and business; corrupt practices, etc.

49. There are, in addition, the trade practices which are particularly shocking to defenders of human rights: that of selling weapons without any possibility of monitoring their utilization, and that of promoting tourism to countries where prostitution of children of both sexes to tourists is practised on a mass scale. As regards the former, reference should be made to Council of Europe resolution 928 of 27 September 1989, which states as follows: "... arms exports, while now declining, clearly go beyond the levels required for legitimate self-defence and security purposes, and ... purchases of arms are often pursued at the expense of the social and economic development of countries in the Third World ... many arms exports may be used for the violation of human rights over which the exporting country has no control, except to refuse to export arms which could be used for domestic repression." As to the second point, the Convention on the Rights of the Child (1989) makes the State responsible for protecting the child from all forms of violence, including sexual abuse, such as prostitution, the staging of pornographic performances, trafficking in bodily organs and child slavery.

50. As a general principle, should or should not technical cooperation, financial assistance and trade, on the one hand, and respect of human rights, on the other, be linked together? The question, often presented as one upon which the North and the South are irreconcilably divided, can in fact be answered in a variety of ways. In the Committee on Human Resources of the International Labour Conference of 1992, a proposal by the workers (from all parts of world) to introduce such linkage was flatly rejected by the employers, also from all parts of the world. Among the Governments, some supported the proposal, one country - the United States - suggesting that in the case of countries where gross violations are committed assistance should not be authorized unless it served the promotion of human rights, while others from North and South alike argued that assistance to the underprivileged was more necessary than ever at a time of repression. This argument eventually persuaded the Committee to reject the workers' proposal. Case studies in this highly sensitive area, which touches upon the question of State sovereignty as well as upon the shared concern with the promotion of a human rights morality, would doubtless help to assess both the socio-economic costs and the advantages of different practices.

CHAPTER II. SPECIFIC ASSESSMENTS BY TOPIC

Freedoms

A. Right to life, security and justice

Progress

51. In these three areas progress has occurred mainly in international codification and in the various national legislations rather than in State practice. The most considerable advance for the international community, as it emerged from two world wars which had seen acts of genocide, lay in the proclamation of the right to life, liberty and security of person, first in the Universal Declaration (art. 3), then in the Covenant on Civil and Political Rights (art. 6, para. 1). These texts were so important that they were supplemented by three conventions: the Convention on the Prevention and Punishment of the Crime of Genocide of 1948, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity of 1968, and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment of 1984, which have been ratified respectively by 100, 31 and 49 Member States. These texts have also served as models, for they have been incorporated, almost word for word, in the introductions to the charters, declarations or conventions drafted at the regional level successively by the Americas, Europe, Africa and the Islamic countries. In turn, these international and regional proclamations and standards have profoundly affected domestic legislation. Lastly, these rights relating to freedom - "this good which makes the enjoyment of every other good possible", as Montesquieu put it - are regarded as so fundamental by many NGOs that they devote themselves exclusively or essentially to them. Three dangers to life, liberty and security of person especially are covered: the death penalty, extrajudicial executions and disappearances, and torture.

52. Although the abolition of the death penalty is not mentioned explicitly in either the Declaration or the Covenant, it does form part of a movement whose advance seems inevitable. First in 1962, then in 1967 and 1987, special rapporteurs appointed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities refuted the arguments of the advocates of capital punishment - deterrent nature of the punishment, support of public opinion, need for expiation, and lower cost to society - and re-emphasized the arguments of the abolitionists - intangible nature of life, definition of the death penalty as "cruel, inhuman or degrading treatment" (art. 5 of the Declaration), not a deterrent but on the contrary a generator of crime, and irreversibility in the event of judicial error. On this basis the Second Optional Protocol to the Covenant, concerning abolition of the death penalty, was adopted in 1989, but it has still received few ratifications since its entry into force in 1991. In contrast, the Convention on the Rights of the Child, which prohibits the passing of a death sentence on a child under 18, has been ratified by 128 different countries.

53. Throughout this period States followed the same abolitionist trend. Between 1973 and 1992 the number of countries having the death penalty in their legislation and using it in practice fell from 139 to 106. The abolitionist countries, currently numbering 81, are divided into those with

legislation abolishing the death penalty (44), those providing it only for exceptional crimes (16), and those which, although still having legislation punishing common law crimes by death, have not carried out any executions for at least 10 years (21).

54. Although they do nct have the explicit and almost ceremonial nature of the death penalty as a means of taking away a person's life, extrajudicial executions and disappearances, which are showing a disturbing increase, just as clearly warrant condemnation. A major step forward was taken in jurisprudence in 1988 when the Inter-American Court of Human Rights decided that a State where such violations are committed must assume the responsibility for prosecuting the perpetrators and pursuing the investigation until the fate of the disappeared persons is known.

55. Lastly, the Universal Declaration (art. 5), the Covenant on Civil and Political Rights (art. 7), and in particular the Convention against Torture condemn torture absolutely, even in time of war, political instability or any other public emergency (art. 2). Moreover, the United Nations Voluntary Fund for Victims of Torture - established in 1978 for victims in Chile, then extended to the whole world in 1981 - can be viewed as a highly positive initiative on the part of the Organization and the contributing countries. It also serves as a reminder to Governments to make good the damage caused by such acts of violence.

56. Faced with these extreme forms of violence, the international community equipped itself with important texts on the administration of justice: the standard minimum rules for the treatment of prisoners (1955), the code of conduct for law enforcement officials (1979), the principles of medical ethics (1982), the safeguards for those facing the death penalty (1984), the standard minimum rules for the administration of juvenile justice (1985), the basic principles of justice for victims of crime and abuse of power (1985), and the basic principles on the independence of the judiciary (1985). However, none of these texts has yet been made mandatory by a corresponding convention open to ratification by Member States.

Obstacles

57. In the case of the death penalty the balance-sheet remains poor, despite the advance of abolition. In 1980 1,295 death sentences were handed down in 40 countries, including 1,229 followed by executions in 29 countries. In 1991 there were 2,703 persons under sentence of death in the prisons of 62 countries, and 2,086 persons were executed in 32 countries. The large majority of these sentences and executions, some of which had an explicit or concealed connotation of racial discrimination, stands to the account of three States, for common law crimes: South Africa, the United States (in 34 of its 50 states) and Iran.

58. Extrajudicial executions, often associated with forced or involuntary disappearances, have not been quantified, but their occurrence is indisputable. The fact that the Commission on Human Rights considered 50,000 cases of this type between 1980 and 1989 gives some idea of the magnitude of the phenomenon. Torture and other cruel, inhuman or degrading treatment, practised in more than 100 countries, can be attributed according

to the special rapporteur appointed in 1985 to many different causes: excesses committed by security forces, desire of dictators to muzzle their opposition by all possible means, hatred of ethnic or religious minorities, vengeance following changes of political regime, abuse of detainees, etc... The same rapporteur noted improvements in some countries but a clear deterioration in others, particularly with respect to children and adolescents.

59. Study No. 4 will analyse the administration of justice in the States parties to conventions, particularly conventions relating to civil and political rights. The least that can be said here is that the political will and material means to allow the judiciary to prosecute and convict often seem very inadequate. The extreme example is that of Chad, whose 5.5 million inhabitants are served by only 98 judges and 4 lawyers but 52 prisons. In general terms, the lack of means of protection of citizens is nurturing in them what has been called a culture of non-protest and resignation, with the absence and lack of credibility of safeguards increasing even further the feeling of insecurity.

B. Forced labour, child labour and freedom of association

Progress

60. Two fundamental freedoms, the free choice of employment and the freedom of association for the protection of one's interests, are established in the Universal Declaration (art. 23, paras. 1 and 4) and the Covenant on Economic, Social and Cultural Rights (art. 6, para. 1, and art. 8, para. 1). The protection of children is included in general terms in the Declaration (art. 25, para. 2), in article 10, paragraph 3, of the Covenant, and in the Convention on the Rights of the Child (art. 32).

61. In 1930, in order to eliminate the exploitation of labour in the colonies, ILO had stated the first of these principles in the Convention on forced labour (No. 29), ratified by 129 countries; this was supplemented in 1957 by the Convention on the abolition of forced labour (No. 105), ratified by 112 countries. The ILO Convention on freedom of association (No. 87), ratified by 101 countries, dates back to the year of the Universal Declaration. In 1973 the minimum age for admission to employment was dealt with in Convention No. 138, ratified by 41 countries. For its part, the United Nations adopted in 1989 the Convention on the Rights of the Child, which also stipulates a minimum age (art. 32, para. 2); it has been ratified by 128 countries. This series of texts, drafted and adopted over more than 60 years, constitutes indisputable progress in the protection of both adults and children.

62. Under the ILO conventions forced or obligatory labour is any labour which is demanded of an individual under threat of punishment and for which he has not willingly volunteered. The use of forced labour is prohibited as a means of political education, economic development, labour discipline, punishment for participation in strikes, and discrimination. Freedom of association, according to the ILO conventions mentioned above, relates to the freely exercised right of workers and employers to form separate associations, non-interference between respective associations, and the encouragement of

collective bargaining. It should be noted that the 1966 Covenant (art. 8, para. 3) refers explicitly to ILO Convention No. 87 in prohibiting States parties from prejudicing the guarantees provided for in that text.

63. Lastly, with respect to the implementation of these various principles through monitoring of their application and encouragement on the ground, the following developments must be regarded as constituting substantial progress: on the one hand the permanent monitoring by ILO and its programme of action on child labour, and on the other hand the creation of UNICEF in 1946 with the initial aim of providing emergency relief for young victims of conflicts, but later catering on a broader basis to all disadvantaged children.

Obstacles

64. Even now some 60 countries violate the two key ILO conventions on forced labour, although most of the countries concerned have ratified them. Such labour may take various and serious forms: debt bondage; forced displacement from towns to the countryside; compulsory enlistment in support of military operations; general obligation to work for economic development or as a means of tax collection; supplying cheap labour to rural landowners; mandatory public service for doctors, engineers and scientists; forced labour by prisoners before trial; compulsory cultivation of crops, etc... However, the Governments in question are not necessarily unaware of the problem or deaf to a dialogue which prompts them either to alter their laws and practices or to step up, by means of labour inspection, the elimination of abuses of individuals.

65. It must be said that the freedom of association is in decline: in Western Europe the average membership of trade unions fell from 37 per cent in 1975 to 28 per cent in 1988, whereas in Eastern Europe trade union forces were the spearhead of democratization; in Latin America only 30 per cent of the structured sector is unionized, and in Asia only 10 per cent of wage earners are members of unions; in Africa the status of trade unions ranges from more or less tolerated opposition to the seizure of power through the monopoly wielded by national trade unions. This overall situation is due largely to the obstacles placed in the way of freedom of organization of workers (and sometimes of employers as well). However, the decline of trade unionism may also be a function of the difficulty of motivating the men and women at the margins of an increasingly rigid labour market, who no longer expect anything very much from trade union battles which they regard as lost before they begin.

66. Even worse than these restrictions on the freedom of association are the attempts on the life and security of the leaders and members of these organizations: murders, disappearances, arbitrary arrests and torture. In 1991 according to the International Confederation of Free Trade Unions (ICFTU), 200 trade unionists were murdered, 200 were imprisoned, and 50,000 were dismissed for having participated in activities regarded as legitimate under the international conventions. By the end of 1992 the ILO Committee on Freedom of Association had received its 1,597th complaint since 1950 (a complaint usually includes the names of several victims).

67. Child labour appears to occur on a tragic scale: 150 to 200 million children are employed as workers throughout the world (11 per cent of the total workforce in Asia, 17 per cent in Africa, and 26 per cent in Latin America, with southern Europe also affected). This phenomenon is due to poverty and the unemployment of parents even more than to the lack of school systems (the minimum age for admission to employment is related to the age of completion of compulsory school attendance, usually at age 14 or 15 years). Child labour is tolerated in some 50 countries but rampant in a hard core of 7 which do not try, or say they are unable, to prevent debt bondage, the sex industry, and hard and unhealthy work in mines and workshops, all of this violating the minimum rules on working hours, safety and remuneration and denying the children education, family life and social integration.

C. Food and health

Progress

68. This section, together with the following one, is concerned with four rights - food, health, education, employment - recognized as fundamental in the Universal Declaration and the International Covenant on Economic, Social and Cultural Rights, rights whose gradual introduction by the State in question can be achieved only by its own efforts, supported by international cooperation. It is clear that these standards have to be "promoted": it is not a question of standards which a State must achieve as soon as it ratifies a convention but rather of objectives to be pursued by means of a continuous programme of action. However, many participants at meetings of the Preparatory Committee have argued that the civil and political rights of individuals are insufficient unless economic and social rights, especially those of disadvantaged groups, are established at the same time.

69. The right to food, an element in the "higher standards of living" stated as an objective of the Charter, is included in the Universal Declaration (art. 21, para. 1), in the Covenant on Economic, Social and Cultural Rights (art. 11, para. 1), which describes it as "the fundamental right of everyone to be free from hunger" (para. 2) and in the Convention on the Rights of the Child (art. 24). It is stated prominently in the mandate of FAO, which was established in 1945 and has always been in the front rank with respect to achievements in this field: establishment of the World Food Programme (1960), the World Food Council (1974) and the International Fund for Agricultural Development (1977). The Universal Declaration on the Eradication of Hunger and Malnutrition (1974) highlights the imbalances in the world - two thirds of mankind produces only one third of the food it needs - and the necessity for international assistance, protection of natural resources and sharing of technology.

70. Where health is concerned, WHO, established in the same year as FAO, has played a decisive part in securing recognition and exercise of the right to health, which is stated in the Universal Declaration (art. 25, para. 1) and in the International Covenant on Economic, Social and Cultural Rights (art. 12, para. 1); the Covenant stipulates the responsibility of States for the reduction of infant mortality and for environmental hygiene, endemic diseases and medical services, and the Convention on the Rights of the Child also makes reference to this. Like FAO, but unlike UNESCO and even less like ILO, WHO

has no conventions open to ratification by its members. It does, however, have a fundamental text in the Declaration of Alma-Ata adopted in 1978 at a conference held in the capital of Kazakhstan. This Declaration states inter alia that the right to an adequate level of health refers to a state of complete physical, mental and social well-being, and not merely to the absence of disease.

71. The progress achieved by WHO on the ground is beyond dispute but public opinion is often ignorant of it: child deaths due to measles have fallen by 90 per cent and deaths from whooping cough by 40 per cent, smallpox has been totally eradicated, overall mortality and infant mortality have declined by 5 per cent in all regions of the third world, and in a quarter of a century life expectancy in low- and middle-income countries has moved close to that of high-income countries at the beginning of the period. In addition, in 20 years WHO, supported in particular by UNICEF, has succeeded in doubling the rate of satisfaction of drinking water and sanitation needs.

Obstacles

72. Where food is concerned, nature has unfortunately not looked favourably on the efforts made by people, Governments and international institutions. Natural disasters such as droughts and floods have spread famine among millions of adults and children (14 million children have died) and have increased food deficits dramatically (by a factor of 20 since the 1960s). In 1992 FAO estimated the number of undernourished persons at 780 million (20 per cent of the population of the developing countries) and the number suffering from vitamin and mineral deficiencies at 2 billion. In Africa, per capita production of foodstuffs from crops and livestock has fallen very considerably in the past two decades owing to a sharp population increase, and FAO foresees a possible reduction of Africa's rural adult labour force by a quarter by 2010 as a result of deaths from AIDS. However, the famines afflicting Africa are due not only to natural disasters but also to the civil wars being fought in more than 20 countries, where physical insecurity generates food insecurity. This is also true of certain low-income countries in Central America, the West Indies and the Near and Middle East.

73. Furthermore, the obstacles encountered in the health field are also serious and are connected with the macroeconomic conditions of development, with health expenditure as a proportion of GDP falling in low-income countries from 5.4 per cent in 1972 to 3.4 per cent in 1989 (an even smaller proportion than for education). Demographic pressures are not of course easing, and the population of the third world, which rose from 1.7 billion in 1950 to 4 billion in 1990, is expected to reach 5 billion in 2000 and 7 billion in 2020. The cost of the perfectly justified efforts to reduce infant mortality and increase life expectancy continues to soar to dizzying heights.

74. Lastly, it is important not to forget the battle which still has to be fought to eradicate major diseases such as malaria, leprosy, hepatitis B, onchocerciasis (river blindness) and trypanosomiasis (sleeping sickness), which kill millions of people. New diseases are also emerging, such as the AIDS pandemic which WHO predicts may infect at least 40 million people by 2000: it already affects 10 million, including 7 million in Africa where women, and consequently children, are most at risk. Reference must also be

made to the increasing ravages of drugs among millions of addicts throughout the world. Grown in some 20 poor countries of Asia and South America, the opium poppy and coca leaf generate total sales of 122.5 billion dollars, i.e. the equivalent of 15 per cent of the total official GNP of these producer countries.

D. Education and employment

Progress

75. Recognition of the right to education represents a considerable advance. On this subject the Universal Declaration (art. 26) is almost as detailed as the Covenant (art. 13, para. 2) in respect of the objectives of education, the modalities of its organization by level, its guarantees of equality and provision free of charge, and the freedoms to choose among and to establish educational systems. An element of the constitutional mandate of UNESCO, which was set up in 1946, is the promotion of education. In 1989 the United Nations adopted the Convention on the Rights of the Child, mentioned above, article 28 of which develops the principles stated in earlier texts. In that same year UNESCO adopted its Convention on Technical and Vocational Education, supplementing the 1975 ILO Convention No. 142 on vocational guidance and training (No. 142), which has been ratified by 45 countries and focuses more particularly on short courses. It is also indisputable that, at least until recently, the situation has been developing along the lines of the initial trend. Merely as a result of compliance with the obligation for States to organize primary education, the proportion of children aged from 6 to 11 years actually attending school rose from 48 to 76 per cent in the third world between 1960 and 1990, which represents in absolute figures an increase of 300 million boys and girls taught to read and write, with the relatively most spectacular achievement found in Asia and Africa.

76. The right to work dates from much earlier than 1948, appearing in the ILO Constitution included in the Treaty of Versailles of 1919. The United Nations included it in the Universal Declaration (art. 23) and as one of the main economic and social rights recognized in the Covenant (art. 6, para. 1). In its Convention concerning employment policy, 1964 (No. 122), which has received 76 ratifications, ILO specifies the obligations and the means of implementing an active policy to promote full, productive and freely chosen employment, in the achievement of which the support of employers' organizations and trade unions should be sought. During the period from 1960 to 1978, 30 countries inserted in their constitutions an explicit reference to the right to work, often accompanied by a guarantee of this right by the State. In 1984 the ILO Conference limited the obligation of States to ensuring the proper functioning of the labour market. Meanwhile ILO had launched its World Employment Programme, which publicized the notion of basic needs, following a direct line from article 25 of the Universal Declaration; the notion has since been endorsed by UNICEF and the World Bank.

Obstacles

77. The progress in education has slowed considerably since 1975 under the double impact of the demographic explosion and the social shocks of structural adjustment. The results vary widely from the high rates recorded in Cuba

(96 per cent) and in seven Asian (87-88 per cent) and African (66-72 per cent) countries to, right at the bottom, the poor rates of the countries of the Sahel, the Caribbean and the Indian periphery (20-30 per cent). In general terms the remarkable advance in enrolments recorded up till then in primary education has decreased by half and has collapsed at the secondary and higher levels. In fact half of all Governments spend less on education than on defence.

78. Structural adjustment policies have led everywhere to a reduction in public spending on education: 24 developing countries allocate to education more than 6 per cent of their budgets - and four of them (Botswana, Cuba, Guyana and Surinam) more than 9 per cent - but 89 countries, i.e. four-fifths, allocate less than 6 per cent, and some of them even less than 3 per cent. This cut-back has also had an impact on an already disadvantaged sector, technical education and vocational training. These constraints together greatly hamper efforts to provide schooling between now and the year 2000 for 200 million young people, an undertaking almost as large as that of the last 20 years. Popular support for human rights will suffer inasmuch as a literate, educated and informed person is more capable of perceiving and protecting his rights and working for participatory democracy and development.

79. Furthermore, at any time but especially under a dictatorship, the brain drain is a major impediment to progress, for it deprives the economy - and the school system - of qualified personnel, often trained by a country without any return for the money spent. However, legislative measures cannot be envisaged as a means of stemming the outflow: the Universal Declaration accords everyone the right to leave his country (art. 13, para. 2) and ILO Convention No. 105 (art. 1, para. 6) prohibits the use of considerations of economic development to justify the retention of personnel in compulsory public service. The best solution, which may be seen in many countries and prompts many trained persons to return voluntarily, is obviously to reestablish democracy.

80. Changes in patterns of employment in recent decades are more difficult to assess than in the cases of education and health. In terms of quantity, a myopic view of things would say that the third world, emerging in 1948 from a subsistence economy (except in Latin America) and shifting to an economy based on export agriculture and industrialization, has gained much more in the struggle for jobs than the developed countries, where the economic boom of the long and happy post-war years of full employment gave way 20 years ago to highly uneven growth and to double-digit unemployment rates, with forecasts now of an imminent total of 30 million unemployed in the OECD area.

81. However, in reality North and South are both losers, for the situation has deteriorated everywhere from the qualitative standpoint. The labour markets in the developed countries, pending an uncertain recovery, have broken up into many different forms of insecure, atypical and marginal employment. Women, young people seeking their first start, staff dismissed following reconversions, relocations or bankruptcies, and the long-term unemployed are gradually abandoning any hope of finding the full-time salaried and properly paid job which used to exist. In the countries outside this once privileged area, modern employment is at a standstill or in decline. While the rate of concealed employment in urban areas is as high as the employment rate, the

experience of rural areas, in contrast, amounts to little more than working excessively long hours for tiny returns. The authorities in these States - overwhelmed by debt, the collapse of prices and structural adjustment - cannot mobilize the means of social alleviation of unemployment used in the North. They have no choice but to tolerate spectacular growth in the informal sector of the economy, which has become the means of survival for people without incomes and a safety valve against a social explosion by those who are shut out. Even the new industrial economies flourishing in Asia border on areas of severe poverty.

82. Lastly, to make the picture even gloomier, poverty and armed conflicts prompt millions of people to emigrate: from Eastern to Western Europe, Asians and Arabs to the Gulf, West Indians, Central Americans and Mexicans to the United States, and people from the Pacific to Asia, while Africans seek refuge in neighbouring countries. In all these cases the Eldorado of a job is not always found at the end of the exile's road.

Equality

E. Racial discrimination and apartheid

Progress

83. "People are the same, they differ only in their customs." This dictum of the Chinese philosopher K'ung Fu Tzu, known as Confucius, dates back 25 centuries but has lost none of its topicality, as will be seen in the following three sections. The unequivocal condemnation of discrimination based on race and the ceaseless quest for its eradication stand to the credit of the whole United Nations system and of NGOs and public opinion in general. In 1950 UNESCO presented the irrefutable contribution of some 100 experts: "Racist doctrines have no scientific basis, and only the history of the particular cultures of peoples can explain the differences in their development, for they all have the same potential for civilization. Racism is essentially a social myth stemming from a false perception of other people". Endorsing this position the UNESCO General Conference adopted in 1978 a Declaration on Race and Racial Prejudice.

84. In 1945, and again in 1948, the United Nations clearly opened the way by including a rejection of any distinction of race both in the Charter (Art. 1, para. 3), and the Universal Declaration (art. 2, para. 1), and this position was confirmed in the two 1966 Covenants (art. 2, para. 1, and art. 2, para. 2, respectively). It relit the torch by adopting in 1963 the Declaration on the Elimination of all Forms of Racial Discrimination (including apartheid, referred to in art. 5), and a convention on the same subject (same reference in art. 3), which has achieved the record number of 130 ratifications. Between 1969 and 1989 the Committee on the Elimination of Racial Discrimination, established under article 8 of the Convention, considered 784 reports of States parties, with a response rate of 80 per cent. However, the fact that only 12 States have recognized, under article 14 of the Convention,

the competence of the Committee to consider complaints by individuals has considerably limited its scope of action. Moreover, the 1989 Convention on the Rights of the Child gives prominence to the now well-established principle of non-discrimination.

85. It is encouraging to note the efforts of the Governments which have promulgated anti-discrimination legislation, thus complying with article 4 of the Convention, which enjoins States parties to condemn all racist propaganda and to undertake positive measures to eradicate incitement to racial discrimination. In this way 44 countries, industrialized and developing, have inserted in their constitutions and civil and criminal laws or decrees the struggle against discrimination and spelled out the means of combating it; and according to a 1988 ILO report there are 91 countries which have specified race and/or colour as a constituent of discrimination.

86. But it is above all in the case of South Africa that the international community has reacted determinedly against one of the most massive arrays of violations of human rights which has ever existed: the apartheid regime which came into being, paradoxically, in the same year as the Universal Declaration. The performance of the United Nations in the front line is impressive: 1952, inclusion of apartheid in the agenda of the General Assembly; 1960, resolution against South Africa for endangering peace and security; 1962, establishment of a special committee which was to become the Special Committee Against Apartheid; 1963, resolution on arms sales; 1973, condemnation of the Soweto massacre; 1977, military and nuclear embargo; 1984, denunciation of the Constitution of South Africa as violating the Charter; 1989, declaration on the destructive consequences of the policy of apartheid; and 1992, condemnation of the Boitapong massacre.

87. In the field of human rights monitoring a similar energy is displayed by the competent international organs. In 1970 the Commission on Human Rights, considering apartheid in the light of international criminal law, confirmed the position of the General Assembly that apartheid was a crime against mankind. The year 1973 saw the adoption of the International Convention on the Suppression and Punishment of the Crime of Apartheid, the various forms of which are defined in article II. This instrument has been ratified by 92 Members and was supplemented in 1985 with an International Convention against Apartheid in Sports. However, the possibility of establishing the international criminal court envisaged in article V of the Convention has not yet materialized for lack of decisive support by the States parties.

88. Programmes of action have been numerous and hard-hitting. The United Nations programme within the framework of the two decades has consisted in educating public opinion and mobilizing national legislators and in the activities of the Committee on the Elimination of Racial Discrimination and the group of three members of the Commission on Human Rights set up under article IX, paragraph 1, of the apartheid convention. From 1964 onwards ILO has applied or expanded its own machinery: pressure brought to bear by trade unions and employers' organizations, creation of a special committee of the General Conference, technical cooperation to assist South African trade unionists who have withdrawn to the front-line countries, assistance funds, etc...

89. There is no need to emphasize that much of the progress achieved in the struggle against apartheid is clearly due to the many movements opposing racist policies and defending human rights in South Africa itself, where blacks, coloureds and whites have fought the same battle.

Obstacles

90. As UNESCO has underlined, racial prejudice has serious social consequences in marginalizing, or even excluding people from housing, employment, education, justice and politics. Furthermore, some supporters of human rights sometimes see in the freedoms of opinion, expression and assembly embodied in the Universal Declaration serious obstacles to the elimination of notions and acts of racial hatred and discrimination. Such fears are not justified: according to the special rapporteur who spoke on this topic at the World Conference, the view that the freedom of expression ought to be absolute is false, for it is incompatible with the Universal Declaration (art. 29, para. 3, and art. 30) since this right cannot be exercised in violation of the principles of the Charter or so as to undermine the rights and freedoms set forth in the Declaration.

91. As for apartheid, "a collective form of slavery" according to the title of a report of the Secretary-General to the Sub-commission on Prevention of Discrimination, its eradication will depend not only on administrative and social reforms but on a complete restructuring of existing political and economic relations. This is a big challenge to be taken up, after half a century in which human rights have been frozen solid, by a developed but unegalitarian country which has long been independent without most of its population ever being free. The South African Government is at last aware of this: for proof, see the official excuses offered in October 1992 by President De Klerk for the policy of apartheid, which he described as a dream which could obviously not be realized, and his professed determination to work towards a different political system.

F. Discrimination against women

Progress

92. The principle of equality between women and men has made considerable progress in the texts, in practice and in public opinion. Although the principle came into being in the League of Nations, it was the Charter (Art. 1, para. 3, and art. 55, para. c) and the Universal Declaration (art. 1 and art. 2, para. 1) which lay the foundations, later confirmed in the two Covenants (art. 3 in both texts). A declaration on the elimination of this kind of discrimination was proclaimed in 1967, followed in 1979 by a convention of wider scope, which has been ratified by 99 countries. Texts have been adopted on specific but important points: in 1951 and 1958, two ILO standards, Convention No. 100 on equal remuneration for men and women and No. 111 on discrimination in employment which, with 114 and 112 ratifications respectively, are among the five best - supported ILO conventions. The UNESCO Convention against Discrimination in Education dates from 1960. Lastly, it will be recalled that the preamble to the 1989 Convention on the Rights of the Child rules out any distinction on grounds of sex.

93. There have been visible results with respect to organs and meetings. In 1946 the Economic and Social Council established the Commission on the Status of Women and in 1982 the Committee on the Elimination of Discrimination against Women was set up under article 17, paragraph 1, of the convention of the same name. In 1964 ILO established under its Governing Body a committee to deal with discrimination of all kinds. The United Nations has organized two world assemblies, one in Mexico City in 1975 - at which the United Nations Decade for Women was launched - and the other in Nairobi in 1985. At the regional level the Nineteenth Islamic Conference, held in Cairo in 1990, included in its Declaration on Human Rights in Islam an article on the equality of women in human dignity.

94. The adoption of these positions has influenced national legislators. No fewer than 75 constitutions affirm the principle of equality of women, either in general terms or in relation to employment or remuneration, and these matters have been spelled out in 15 labour codes and specific pieces of legislation in 15 countries. Furthermore, 16 countries have official bodies for monitoring and redress of inequalities with semi-judicial powers. Lastly, there is the considerable impact on public opinion of the message delivered by the NGOs working for the advancement of women.

95. This wealth of standards and declarations indicates the potential for action, which has been used unevenly in six areas: the place of women in society (Universal Declaration arts. 1 and 2); the right to vote under universal suffrage (Covenant on Civil and Political Rights, art. 25, para. (b)); equal access, especially by means of election, to the direction of public affairs and public offices (Universal Declaration, art. 21, paras. 1 and 2); equal access to all levels of education (UNESCO Convention mentioned above, art. 1); equal access to employment (ILO Convention No. 111, art. 2); the right, without discrimination, to equal pay for equal work (Covenant on Economic, Social and Cultural Rights, art. 7, para. 1 (i), and ILO Convention No. 111, para. 2).

96. Three of these rights now seem to be well on the way to application. Women's suffrage, promoted in the last century by feminist movements in Scandinavia and across the Atlantic, already existed in 68 countries before the adoption of the Universal Declaration; 73 other countries later followed suit. In education, the gap between male and female rates has narrowed everywhere or even disappeared, especially with respect to the annual increase in enrolments at all levels, especially higher education, although illiteracy among women of all ages is still double the rate for men in low-income countries of Africa and Asia. Lastly, women's access to employment is considerable both in absolute numbers, on the order of 760 million women workers, and as a proportion: 40 per cent of women aged 15 and over are employed in the industrialized countries (50 per cent in the Scandinavian countries) and 31 per cent in the third world.

Obstacles

97. Equality of access to the management of public affairs is rarely found in practice. Eighteen women have by democratic means reached the position of head of State or Government since 1948, but the vast majority of national parliaments have no more than 11 per cent of women members (Africa 9 per cent,

the Americas, Asia and Europe 12 per cent) with the exception of the democracies of Northern Europe where the proportion is 25-38 per cent. In 100 countries no woman holds a ministerial portfolio, and a further 18 countries have only 10 per cent of women at that level. While there has been some improvement of the status of women in civil services, few women obtain senior posts, the extreme case being two countries whose constitutions stipulate that women must keep out of politics and stay at home.

98. The right to work, discussed above, is often equal only in appearance. What of the working conditions of the 80 per cent of women constituting the labour force of free export zones in South-East Asia, or of the mass of African women who contribute 80 per cent of farm production? And what can be said of what UNICEF has called "the invisible adjustment" of women to unemployment due to poverty and the vagaries of the informal or underground economy?

99. Lastly, there is still a long way to go with respect to the right to equal pay for work of equal value, for women's wages are still usually 20 to 50 per cent lower than men's. The authorities can intervene by legislating on the minimum wage and by setting the salary scales of their own civil services at equal levels; they can also prod the private sector into including such equality clauses in collective agreements and even require it to do so by law, provided enforcement and monitoring machinery can be set up.

G. Discrimination against minorities and indigenous peoples

Progress

100. Considerable progress has been made in this area. Although the Universal Declaration, in article 1 concerning freedom and equality in dignity and rights, is unambiguous about the rights of minorities, and the Convention on the Prevention and Punishment of the Crime of Genocide denounces in the clearest possible terms the measures to which a State usually has recourse when it intends to destroy a national, ethnic, racial or religious group: murder, attacks on physical integrity, abuses, forced transfer of children, etc.

101. Four specific instruments took up the question of minorities again from a different angle: in 1957 ILO Convention No.107 (ratified by 27 States) dealt with the protection and integration of indigenous and other Tribal and Semi-Tribal Populations in Independent Countries, and in 1962 article 5, paragraph (c), of the UNESCO Convention accorded to national minorities the right to carry on their own educational activities. In 1966 the Covenant on Civil and Political Rights (art. 27) established the right of minorities to enjoy their own culture, religion and language. The 1989 Convention on the Rights of the Child would later also stipulate that this was a right to be respected.

102. The Sub-Commission on Prevention of Discrimination and Protection of Minorities, faced with the problem of defining minorities and indigenous peoples, has preferred to deal with the two groups separately. Special rapporteurs have drawn up draft resolutions and declarations.

103. In 1989 the ILO adopted a Convention concerning Indigenous and Tribal Peoples in Independent Countries (No. 169), revising the 1957 Convention by changing the emphasis: the assumption was that the distinctive elements of the peoples concerned were going to be maintained in the future rather than disappear, and that therefore the objective of the instrument should be to secure respect for cultures by means of consultation of communities. Because of its recent adoption, the Convention has so far been ratified by only four countries.

104. These various instruments, which constitute undeniable progress towards establishment of the right of these communities to equality, have prompted the promulgation of appropriate national legislation and the creation of public bodies for the protection of minorities (38 instances) and indigenous peoples (6 instances).

Obstacles

105. There is no doubt that the problem of the rights of minorities, even more so than that of indigenous peoples (who are now better respected than in the past), remains extremely topical: it was seen earlier, in paragraph 38, that a score of countries at least are currently experiencing armed conflicts, either between ethnic or religious communities or as a result of the repression of such minorities by the central authorities. The less obvious but equally intolerable violations of the rights of these minorities - which can represent up to 10 per cent of a State's population - include such abuses as the occupation of their land, compelling them to change their names, refusal to allow their members to be considered citizens, relegation of them to the status of second-class citizens, disparagement of their skin colour, restrictions on their movement within the country, etc. Violations of their right to their own culture, language and religion seem to be limited to a few cases. The situation is the same with regard to the right to inter-racial marriage embodied in the Universal Declaration (art. 16, para. 1) which is very widely practised except in about 10 States having strict religious codes.

106. On the other hand, native, indigenous and tribal peoples seem to be rather better protected in the 15 or 20 countries concerned. Either these peoples form the majority of the population or they are in any event very strong in numbers and therefore represent a cultural heritage essential to the nation's identity, or they are few in number but enjoy substantial material and moral support from a democratically advanced central State. In two or three cases their maltreatment must be attributed more to a situation of civil or class warfare than to any ill will or neglect on the part of the central authorities. However, in some Latin American countries the harm done to indigenous peoples can no longer be made good, for they have been practically destroyed by the aggressive invasion of forestry, mining and farming interests and by poverty and disease, to the point where local NGOs have talked of organized genocide.

CHAPTER III. A PROGRAMME FOR THE FUTURE: A SOLIDARITY PACT

Introduction

107. There are two ways of adumbrating the tasks which the international community must perform if the future of mankind is to be brought more into line with the requirements of human rights. The first is to prepare, on the basis of the assessment made, a list of the thousand and one things still to be done in order to complete the meshwork of existing legislation, institutions and achievements. Such a list of concrete suggestions presented in the form of tables, will be found in a separate study. Although these are matters both for the international and governmental levels and for public opinion and NGOs, the locomotive of progress in these various fields is essentially the political will of States.

108. The second way of viewing things is to begin with a dynamic, global vision of what tomorrow's society might be, given reinforcement of the element most lacking in the realization of human rights: solidarity. This second approach, which looks forwards rather than backwards, stands a greater chance of making the public aware of a project which could be a powerful mobilizing force.

109. As for the cultural component of the problem of human rights, it must be emphasized that the developing countries, unlike the industrialized countries with their increasing individualism, have always possessed sound traditions of family closeness and village or district solidarity: although the international standards, as was pointed out in paragraph 21, are universal ones, their application can be greatly facilitated by these cultural traditions, which make such societies models in this respect.

110. This may be in fact, in general terms, the essential lesson to be learned from a study of the twentieth century as it draws to a close: respect for human rights will be achieved by means of voluntarist actions of national and international solidarity in support of persons and groups whose security, welfare and even survival are threatened, and this will achieve at least as much as the mere effects of legislation enacted by States jealous of their sovereignty but powerless to put such legislation into practice. In this sense the distinction once made by Kant has been actually verified: together with the law of States there really does exist a law which he called cosmopolitical, concerning people as inhabitants of the planet, but only broad consensus will secure its application. It is through this approach, based on a third generation of rights and turning on the notion of fraternity - following the notions of freedom and equality - that a stimulating programme for the future can be developed around the following four themes: peace, development, environment, and humanitarian action.

A. Peace

111. Peace is not only the fundamental guarantee of everyone's right to life but also the prior condition for the progress of any society and any nation. Accordingly, this principle was stated as the first purpose of the Charter (Art. 1, para. 1) and as one of the elements of the first preambular paragraph of the Universal Declaration. Military conflicts between States have

gradually declined but their place has been taken by a large number of civil wars stemming from the common root of violation or denial of a right to freedom or equality. These new forms of conflict are even more dangerous than the earlier ones in that State sovereignty can serve both to block action from outside and to screen excesses within a State. The prevention and settlement of such conflicts may still be justified, and the effects of prevention emphasized, by use of two potentially deterrent instruments: the deployment of an international force and the implementation of disarmament measures.

112. The first means, as has been demonstrated by two senior United Nations officials, Brian Urquhart and Sadruddin Aga Khan, would be to apply more effectively than in the past Article 43 of the Charter concerning the maintenance of international peace and security. A new military option would be "to deploy rapidly an international force when only vigorous intervention would be capable of breaking the cycle of violence in a country where national sovereignty is disintegrating". A supplementary military option would consist in "the deployment in crisis areas of contingents of guards in order to respond to any complex set of challenges to humanitarian action, security and political life". The establishment in the past two years of United Nations troop contingents, each composed of several hundred men, in six countries in four different regions of the world, testifies to the realism of these military options in the effort to maintain the civil peace.

113. Disarmament, in turn, ought to constitute a powerful instrument for both peace and development. Two counter-examples demonstrate this, while still allowing all the hopes contained in the opposite attitudes. On the one hand, despite a reduction of 3 per cent a year in annual expenditures on armaments as a result of detente, 28 countries still allocate more than 5 per cent of their GDP to defence - usually a larger amount than their education or health budgets - and 14 countries allocate more than 10 per cent. On the other hand, and even worse, in 1990 the industrialized countries disbursed in military expenditures five times more than they contributed in public and private capital to the developing countries (465 billion as against 85 billion dollars).

114. While it is clear that the decision to resort to international force rests exclusively with the United Nations Security Council, the support given to such a commitment and the popularity which disarmament measures should enjoy depend just as much on the heartfelt consent of public opinion as on the backing of Governments. The international community is evidently open to this dual approach which fosters cooperation in the promotion of peace. On the other hand, will this same public opinion continue to ignore the contradiction that the five permanent members of the Security Council hold the world record for arms exports?

B. Development

115. To an even greater extent than peace, development depends less on a body of laws established on a durable basis by the sole national sovereign legislator than on an evolving array of policies and practices with an implementation capacity, while it is primarily the responsibility of the State, determined both by upstream international cooperation and by downstream participation of the people concerned. The notion of an individual and

collective right to development has explicit sources in the Charter: equal rights of peoples (Art. 55); and in the Universal Declaration: equality of human beings in dignity and rights (art. 1) and the entitlement of everyone to a social and international order in which his rights and freedoms can be fully realized (art. 28).

116. This question was strikingly taken up again by the General Assembly in its 1986 Declaration on the Right to Development and at the Global Consultation held in Geneva in 1990 on the effective exercise of the right to development as a human right. In this connection two essential aspects of the inter-relationship between development and human rights must be underlined. On the one hand - and the 1986 Declaration is unambiguous on this point - development means respect for human rights, whether collective, such as the elimination of colonialism, apartheid, racism, aggression and threats of war, or individual rights such as freedom of thought and expression, participation in decision-making, and access to food, health and education. On the other hand, if human rights are indeed factors in development and their denial is an impediment to development, then it appears that development itself must constitute a human right as such. The Conference will certainly want to take a position on this point, regarded as a priority by many delegations, and also to confirm that human rights must be incorporated in development programmes and projects, as is beginning to happen with those designed, funded or implemented by a number of cooperation agencies.

117. One of the most urgent tasks for international solidarity is the fight against poverty, including extreme poverty, malnutrition, illiteracy, and the housing deficit; more specifically, the elimination of famine might be a priority relatively easy to achieve in the short term if the international community and the Governments concerned wished to attack the problem with determination. It should also be noted that cooperation and solidarity are not matters only for the States participating in the Development Assistance Committee but may also be and in fact are achieved in many different ways: by the specialized agencies of the United Nations, NGOs, employers', trade union and professional organizations, towns and regions, and education and research establishments using a system of twinning and sponsorship, cooperative groupings, etc. South-South cooperation, a particularly interesting formula conceived in the 1970s, might also receive a new impetus, especially on the basis of the new regional and subregional political and economic arrangements which are currently taking shape.

118. Beyond this assistance in meeting peoples' needs stand the complex problems of the financial relations between rich and poor countries: debt, commodity prices, investment, trade liberalization, transfer of technology, etc. Rules of international trade which are less unfavourable to the South certainly depend more directly on the prescriptions of the international financial and trade organizations, as well as on decisions of the Governments and companies concerned. However, these rules can also be influenced by a current of active sympathy manifested, for example, in the consumption habits and preferences of citizens of the North.

119. In general terms, as Chancellor Willy Brandt emphasized in 1980 in the Programme for Survival prepared by the Commission which he chaired, the reshaping of worldwide North-South relations - a comparatively new concept in

State-to-State terms - has become a global responsibility for mankind. Thirty years later, should not the Vienna Conference formally reaffirm this obligation of solidarity?

C. Environment

120. The environment does indeed seem to give rise to an authentic third-generation human right, although it is not yet recognized as such: innovative in its content and in its collective dimension at the world level and individual dimension in terms of satisfying everyone's basic needs. The undeniable favour which this topic enjoys led to the global quasi-consensus achieved by the Conferences at Stockholm in 1972 and Rio de Janeiro in 1992. The public at large, undeniably struck by the dramatic images of the industrial disasters at Seveso, Bhopal and Chernobyl, has nevertheless failed to grasp the magnitude of the problems of environmental management and does not necessarily connect them automatically with the main body of human rights.

121. That is what the Sub-Commission on Prevention of Discrimination and Protection of Minorities did in 1990 with a report providing essential clarification by reference to the Organization's standard-setting texts: the Charter, the Universal Declaration and the two Covenants, which make it possible to base the right to environment both on the right of peoples to control their own lives and their natural resources and on the individual rights to life, security and hygiene, a decent standard of living, health, and the benefits of scientific progress and its applications, etc.

122. The Vienna Conference will no doubt have to take a position on the justification of a specific human right relating to the environment. As it considers this point it will have to determine the scope of each of the standard-setting texts referred to above in relation to the range of technical fields allocated by the Rio Conference to the programme of action for the environment (known as Agenda 21). In addition to these many technical topics, sections I and III of the Rio final document offer broad scope for the application of human rights, whether it is the social and economic dimensions of the environment (combating poverty, demographic dynamics, promotion of health, human settlements) or target groups (women, children, young people, indigenous peoples, NGOs, local collectivities, workers and trade unionists, farmers, scientific community). This is an immense topic offering new opportunities for solidarity, in a field in which public opinion takes a lively interest, and where it may be possible to secure financing by cutting expenditure on armaments.

D. Humanitarian action, protection of refugees and right of asylum

123. The international community has taken virtually no action over the past 20 years in response to the tragedies of the fratricidal struggles in Cambodia, Angola and Mozambique, in Central America or in Peru; two recent tragedies, however, being played out in Yugoslavia and Somalia, seem to have thoroughly shaken the international community, to the point that it is even demanding from supranational bodies - international organizations such as the United Nations, UNHCR, UNICEF, ICRC, and regional ones such as the European Community and OAU - urgent, comprehensive political and humanitarian solutions. This powerful appeal for solidarity in response to a glaring

failure to satisfy the most fundamental human rights - to life, security, personal freedom, non-discrimination, food and medical care, and freedom of movement - offers perhaps an exceptional opportunity for the international community at last to acquire the political will, the legal instruments and the financial and human resources required. Three areas in which ICRC, UNHCR, UNICEF and WFP, as well as many NGOs, have long been distinguishing themselves are particularly suitable for consideration with a view to expanded intervention from the human rights standpoint: humanitarian action, protection of refugees and the right of asylum.

124. First, the protection of human rights in time of armed conflict, which has been a subject of codification for almost 100 years under the auspices of the International Committee of the Red Cross, means much more than the treatment of prisoners of war, for the 1949 Geneva Conventions require belligerents to treat humanely persons who are taking no part in the hostilities. Naturally, the 1989 Convention on the Rights of the Child extends the rules of humanitarian law to cover children. United Nations instruments, primarily the International Covenant on Civil and Political Rights, offer even broader protection than the Geneva Conventions in that the provisions of the Covenants apply at all times, in war and peace, in all places and to all kinds of armed conflicts, international or not. It was in this spirit that the Security Council concluded in 1967 that the parties involved should ensure the security and well-being of the inhabitants of zones of military operations and facilitate the return of inhabitants who have fled since the outbreak of hostilities. The Vienna Conference will no doubt be invited to deliver a clear decision on such flagrant violations as the "ethnic cleansing" camps, the killing of detainees, and the bombardment of convoys delivering food and medical aid.

125. The second area dramatically highlighted by these two conflicts relates to refugees. For Yugoslavia, the special rapporteur of the Commission on Human Rights cites a total of 1,230,000 displaced persons, while the second United Nations appeal, in July 1992, for assistance to the Horn of Africa revealed the existence of 330,000 Somali refugees in Kenya. This is the place to state that, contrary to received wisdom, Africa and (even more so) Asia are sheltering the biggest proportions (31 and 45 per cent respectively) of the world's 15 million refugees; the developed countries of Europe, North America and Oceania have only 16 per cent. While it is often preferable for refugees to find temporary refuge close to their countries of origin, for this makes it easier for them to return home and for families to stay together, it is nevertheless true that these influxes constitute a burden which is almost beyond what the host countries of the third world can support, as is acknowledged in the preamble to the 1951 Convention relating to the Status of Refugees: the case of the 700,000 Mozambicans sheltered by Malawi for the past 18 years is particularly significant. Here again, the Vienna Conference might encourage the international community, and more particularly the industrialized countries, to show greater generosity in their reception policies, especially with regard to detainees in camps and displaced civilians, and provide greater financial support for the efforts of the developing countries which take in refugees from neighbouring countries.

126. Lastly, the right to asylum has an explicit source in the Universal Declaration (art. 14), and in the 1951 Convention relating to the Status of

Refugees. This latter Convention asserts the principle of non-refoulement, which prohibits any forced return of an individual to a country where he might be persecuted on account of his race, religion, nationality, membership of a particular social group, or political opinions. In 1989-1990, out of the 800,000 refugees admitted to Europe 228,000 submitted requests for asylum in nine host countries, but the approval rate of these requests is in a clear downward trend, to under 10 per cent in fact. Once again a genuine display of generosity on the part of Governments under pressure from NGOs and public opinion seems both necessary and possible: the most desperate misery of those who have "lost the right to have rights" deserves consideration, respect and succour.

CONCLUSIONS

127. After Auschwitz and Hiroshima the 50 or so States which then made up the United Nations, most of them exhausted but still ruling three quarters of the planet, at last embraced a moral theory, the theory of human rights, the legacy of the finest flowerings of various civilizations. The theory was to spread across a world that was gradually shrugging off its chains and awakening to development, but almost everywhere, on the left and on the right, falling into the traps of authoritarianism. Thenceforward, human rights would mean a hope of freedom for dissidents and a chance of survival for the downtrodden. Half a century later the 180 States Members of the United Nations are meeting again to assess their successes, their difficulties and their hopes for life.

128. They are making this assessment at a time when three currents are converging. A rising flux carrying values: the return of democracy. A falling flux heralding crises: underdevelopment or at least the imminent recession. And, at the precise point of collision of these two forces, there is the culture of human rights. This culture is itself divided into driving forces - codification of the rights and ratification of their instruments - and braking forces - realization of the rights which is sometimes artificial, often imperfect, and always difficult. A large number of countries, in fact, lack the democratic will and financial backing to give effect to either civil and political rights or economic, social and cultural rights. In short, human rights remain almost as broadly unimplemented as they are now recognized.

129. "A Babel bemused", the World Conference knows how things stand: many peoples are suffering spiritually and physically. Armed conflict, extortion, hatred, famine, disease, illiteracy, bondage, discrimination, unemployment and poverty look dangerously like inverse articles of the Universal Declaration of Human Rights, to which peoples have dedicated themselves since 1948. In Vienna, representatives of all the peoples of the world will debate on behalf of the men, women and children for whom they speak, in order to rediscover the paths of freedom, justice and peace. May they be guided by the voice of the Chilean poet Pablo Neruda: "Perhaps we still have time to be, and to be just".

ANNEX

SUGGESTIONS FOR CONCRETE ACTION IN SUPPORT OF HUMAN RIGHTS

(The numbers in brackets refer to paragraphs of the study)

	(a) International	(b) Governments	(c) Public opinion, media and NGOs
1. CONCEPTUAL	1. - Encourage multilateralism - develop dialogue between States - promote exchange of experience on progress and obstacles (14)	1. - The same as column (a) (support, implementation and dissemination) (14)	1. - Same as column (a) (support and dissemination) (14) - NGOs: same as column (a)
	2. Reinforce justification of concepts of universality and binding nature of international standards (12)	2. Encourage acceptance of concepts of universality and binding nature of international standards (12)	Same (support and dissemination) (12)
	3. Reinforce justification of concept of the right to intervene (13)	3. Encourage acceptance of concept of the right to intervene (13)	3. Same (support and dissemination) (13)
	4. Establish international methodology for assessing progress and obstacles (3)	4. Participate in establishment of this methodology (3)	4. Same (support, participation and dissemination) (3)
	5. Establishment of medium- and long-term international strategy (111)	5. Establishment of medium- and long-term national strategy (111)	5. Same (support, participation and dissemination) (111)
	6. Celebration in 1996 of 40th anniversary of Commission on Human Rights and assessment of its activities (25)	6. Same: national events and assessment of activities of national human rights commissions (28)	6. Same (support and organization of events) and assessment of NGO activities (28 and 33)

	(a) International	(b) Governments	(c) Public opinion, media and NGOs
2. LEGAL	7. Continue codification, incorporating resolutions and declarations into conventions, especially on topics where there is a legal vacuum (23)	7. Participate in codification work, adopt and ratify proposed conventions (23)	7. Same (support and dissemination (23)
	8. Encourage ratification of unratified covenants and conventions (22)	8. Ratify unratified covenants and conventions; incorporate them in domestic law (22)	8. Encourage ratification of unratified covenants and conventions (22)
	9. Encourage ratification of Optional Protocol on Civil and Political Rights and recognition of competence of committees established on racial discrimination and torture (22)	9. Ratify Optional Protocol and recognize competence of these committees (22)	9. Encourage ratification of Optional Protocol and recognition of competence of these committees, convincing public opinion that they extend the possibilities of individual recourse (22)
	10. Assess possibility of non-written means of recourse to international monitoring organs by illiterates (25 and 78)	10. Same, where necessary and in the light of the country's level of education, for recourse to national monitoring organs (25 and 78)	10. Support and possible participation of NGOs depending on circumstances; where necessary, NGO assistance for illiterate plaintiffs (28, 33 and 78)

	(a) International	(b) Governments	(c) Public opinion, media and NGOs
	11. Encourage compensation of victims of violations, especially from Voluntary Fund for Victims of Torture (55)	11. Develop practice, through recourse to national courts or other means, of compensating victims; contribute to Voluntary Fund (55)	11. Encourage practice of compensating victims; publicize the results obtained; help to collect contributions to Voluntary Fund (55)
	12. Establish international monitoring centre to detect violations and monitor prosecutions and enforcement of decisions (23)	12. Same at the national level (28)	Same (support and dissemination); enhance the resources and the hearing given to specialized NGOs, (Amnesty International, human rights leagues, etc..) (33)
3. INSTITUTIONAL	This topic will be dealt with in studies Nos. 3, 4 and 5	Same	Same
4. SOCIETAL	13. Develop information and training in human rights (31)	13. Develop information and training, especially in target groups: judiciary, police, army, etc... (31)	13. Develop information and training especially in target groups: press, education, young people, employers, trade unions, associations (31)
	14. Strengthen protection of journalists and defenders of human rights (32)	14. Same (32)	14. Disseminate information about violations committed against these two groups (32)
5. POLITICAL	15. Reinforce relationship between democracy and human rights; encourage State based on rule of law (see study No. 2) (37)	15. Encourage acceptance of the relationship between democracy and State based on rule of law (37)	15. Same (support and dissemination) (37)

	(a) International	(b) Governments	(c) Public opinion, media and NGOs
	16. Examine usefulness of linking cooperation and human rights; publish case studies (50)	16. Generate a widespread debate on this issue (50)	16. Participate in this debate and disseminate conclusions (50)
	17. Study violations of human rights in the cases of guerrilla warfare, terrorism and repression; examine means of introducing human rights and humanitarian law (38-39)	17. Ensure that security forces respect human rights in their activities and pursue the perpetrators of violations, whoever they are (38-39)	17. Publicize violations from whatever quarter and encourage legal authorities to prosecute perpetrators whoever they are (38-39)
	18. Reinforce the notion of State responsibility in connection with disappearances (prevention, inquiries, prosecutions) (54)	18. Make the State assume its responsibilities in connection with disappearances (54)	18. Encourage States to assume responsibilities in connection with appearances (54)
	19. Study questions of amnesty and immunity in phases of transition to democracy (40)	19. Same; exchange of information and experience among States having passed through this phase (40)	19. Same (support and dissemination) (40)
6. ECONOMIC	20. Strengthen relationship between development and human rights (see study No. 2: A/CONF.157/PC/60/ Add.2) (114)	20. (a) Encourage acceptance of relationship between development and human rights (114)	20. Same (support and dissemination) (119)

(a) International	(b) Governments	(c) Public opinion, media and NGOs
	(b) Incorporate human rights clauses in economic policy and structural adjustment programmes (119)	
21. Expand international cooperation in economic and social development (119)	21. Incorporate human rights clauses in multi- and bi-lateral cooperation projects for economic and social development (119)	21. Same (support and dissemination) for NGOs with technical cooperation activities, incorporate similar clauses in their projects (120)
22. Assess cost-benefits of taking human rights into account in international relations (trade and aid); suggest methodology and carry out case studies (50)	22. Same, by country (sellers/buyers in trade, donors/recipients of aid) (50)	22. Same (support and dissemination) (50)
23. Establish register of arms sales to countries violating human rights; establish international code of conduct in the matter (49)	23. Establish and observe national code of conduct in the matter; observe any international code established (49)	23. Same (support and dissemination) (49)
24. Discourage tourism to countries where child prostitution exists (49)	24. Same (49)	24. Same (support and dissemination) (49)

	(a) International	(b) Governments	(c) Public opinion, media and NGOs
7. GENERAL	25. Every five years update report on United Nations human rights activities, including self-assessment of activities (3)	25. Same, for national activities in the same field (28)	25. Same, for NGO activities in the same field (33)
FREEDOMS: LIFE, SECURITY, JUSTICE	26. Incorporate texts on administration of justice into conventions (56)	26. Totally abolish death penalty and/or its use (52-53)	26. Same (support and dissemination) (52-56)
	27. Encourage implementation of recommendations of special rapporteurs (56)	27. Ratify Convention on Torture (55)	27. For NGOs: strengthen their resources for investigation, adoption/patronage and reparation (52-56)
		28. Investigate judicial executions and prosecute their perpetrators (54)	
FORCED LABOUR, CHILD LABOUR, FREEDOM OF ASSOCIATION	28. Encourage ratification of relevant ILO conventions (60-62)	29. Ratify ILO conventions and encourage their implementation (60-62)	28. Same (support and dissemination) (60-62)
		30. Extend legislation to sectors not covered (agriculture, domestic service)	
		31. Upgrade dialogue with employers' and workers' organizations (65-66)	

	(a) International	(b) Governments	(c) Public opinion, media and NGOs
	29. Encourage technical cooperation activities of UNESCO, UNICEF and ILO, with increased awareness of human rights (75)	32. Extend schooling and vocational training of working children (see education) (75)	29. For NGOs with technical cooperation activities: intensify and coordinate their efforts and publicize results (75)
FOOD HEALTH	30. Help to enhance FAO and WHO capacity to continue and expand their world strategies, with increased awareness of human rights (68-71)	33. Clarify their farm policies and transfer production surpluses	30. Same (support and dissemination)
		34. Guarantee security of distribution of food and medical aid	31. For NGOs with technical cooperation projects: intensify and coordinate their efforts and publicize results (68-71)
		35. Ratify United Nations Convention on illicit drug trafficking (1988) (74)	
	31. Study relations between structural adjustment and human rights in these two fields (76)	36. Study with international financial institutions means of protecting disadvantaged groups against the adverse effects of adjustment in these two fields (76)	

	(a) International	(b) Governments	(c) Public opinion, media and NGOs
EDUCATION EMPLOYMENT	32. Encourage ratification of relevant UNESCO and ILO conventions (75-76)	37. Ratify UNESCO and ILO conventions and encourage their implementation (75-76)	32. Same (support and dissemination) (75-76)
	33. Encourage technical cooperation activities of UNESCO and ILO, with increased awareness of human rights (75-76)	38. See item 32 above	33. For NGOs with technical cooperation activities: intensify and coordinate their efforts and publicize results (75-76)
	34. Study the relationship between structural adjustment and human rights in these two fields (76)	39. Study with international financial institutions means of protecting disadvantaged groups against the adverse effects of adjustment in these two fields (76)	
EQUALITY: RACIAL DISCRIMINATION, APARTHEID	35. Encourage codification of conventions on racial discrimination and apartheid (84)	40. Ratify conventions on racial discrimination and apartheid and encourage their implementation (84)	34. Same (support and dissemination) (84)
		41. Accept competence of an international criminal court for apartheid (87)	35. For NGOs with activities relating to South Africa: intensify and coordinate their efforts and publicize the results (83-89)

	(a) International	(b) Governments	(c) Public opinion, media and NGOs
		42. Implement United Nations resolutions on arms sales, embargoes, etc. ...(86)	
WOMEN	36. Encourage ratification of Convention on discrimination against women (95)	43. Ratify Convention on discrimination against women and encourage its implementation (95)	36. Same (support and dissemination) (95)
		44. Revoke discriminatory legislation and introduce special measures of protection and assistance for disadvantaged women (97)	37. For NGOs with activities in this field: intensify and coordinate their efforts and publicize the results (98)
		45. Upgrade national equal rights agencies (97)	
MINORITIES, INDIGENOUS AND TRIBAL PEOPLES	37. Encourage ratification of ILO conventions on indigenous and tribal peoples (103-104)	46. Ratify ILO conventions on the topic and revoke discriminatory legislation (103, 108)	38. Same (support and dissemination) (103, 105, 108)
	38. Incorporate draft resolution on the rights of religious or linguistic minorities into a convention (105)		39. For NGOs with activities in this field: intensify and coordinate their efforts and publicize the results

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